

# Peace Designed?

*A case study of the consociational regime in Colombia*

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## **Preface**

The work would not have been possible without the support and encouragement from my wife Ana. I would like to thank her for the emotional support she had given me in difficult times, and also for having the patience in listening to my thoughts on the subject matter. To this end I would also like to thank Fabiola and Gustavo for the time and effort in travelling all over Bogotá in search of literature; without which the thesis would have been impossible to write.

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## Political map of Colombia



*Source:* Perry-Castañada Library, University of Texas

## 1.0 Democratic institutions and social instability

Colombia is by most seen as another third world country ripe with violence. The news originating from this part of South America seems always to be related to either violent death or drugs. Not prevalent in popular media is the fact that Colombia, unlike its other Latin American neighbours, has a longstanding democratic tradition. Its economy is much more stable than if its neighbours, the level of technological development is high, it is a highly multicultural country, free elections have been held without interruption since 1958, fundamental human rights are guaranteed by constitutional law, political power changes hands in national elections regularly and the results are respected. Yet, the level of political violence is higher in Colombia than any other country in the western hemisphere. Whereas the current conflict has lasted for more than 40 years, violent conflicts have always played central role in the creation and moulding of its political institutions. The political system has been formed and continuously reformed in an effort to forge peace and stability; something giving political scientists a wealth of possibilities in evaluating effects of practical institutional engineering.

Originally divided in autonomous regions in which the caudillos ruled most aspects of life, the numerous regional conflicts resulted in a constitutional reform in 1886. An adversarial political system with strong centralizing features was introduced to bring stability, but continued inter-elite conflict culminated in civil war and in an effort to prevent further bloodshed the political system was transformed into a consociational regime in 1958. The consociational system proved to be very effective initially, but the exclusive system created new divisions in society and new frictions came to fore. By the end of the eighties the levels of violence were comparable to levels experienced during the civil war. The solution was found in returning to the adversarial system and encouraging the existence of political oppositions in 1991. However, like the previous attempts to facilitate peaceful solutions through legal political institutions the intended result did not last long before violence again escalated. This thesis intends to make assessment on whether the specific institutional reforms introduced in the 1991 constitution were the cause of the deterioration.



This thesis questions whether and why the process of democratization led to an augmentation in political violence. In approaching the subject it seemed natural to explore the specific intentions with the constitutional reforms. Who participated in the process, and what were their motives and aspirations. What was the situation before the reforms and how was the situation after the new rules of the game were implemented? Two interrelated hypothesis will guide the study: 1) The consociational regime excluded the vast majority of Colombians from the political institutions. 2) The constitution of 1991 did not alter the balance of political power, rather the institutional changes led to an escalation in the conflict.

## 1.1 The analytical framework

The dissertation before you is an attempt to better understand why the institutional reform whose goal was to deepen democracy in Colombia resulted in escalation violence. What is striking about Colombia is that the conflict dynamic deviates from other states in similar situations. Additionally, for those of us interested in the topic of institutional design, Colombia has an extensive experience from various different designs, and the effect of these designs can be measured in the ongoing conflict. Whereas most deal with institutional design after the conflict has been settled, Colombian politicians are forced to reform within the context of war. To further complicate the efforts to implement change, the democratic nature of the state imposes certain restrictions and all reforms must be decided and implemented by and within the democratic institutions.

The theories used in the thesis to explore the reasons why these outcomes were observed are divided three main sections; Democratic theory, consociational theory, and institutional design theory. The state of Colombia has since independence been a formal democracy, with only a few short periods of democratic rupture. This feature makes Colombia different from its neighbours where the military has been actively involved in politics. Nevertheless, the nature of its democracy is contested throughout its history by various sectors in society. Can a state be perceived as democratic if its institutions are mere formalities? Are the democratic institutions democratically

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designed, meaning representative and responsive to its constituents. Which understanding of democracy is used when stating that Colombia is a democratic state? Processes of democratization can be applied to two different contexts; a transition from undemocratic rule to democratic rule, and from a democratic to a 'deeper' democracy. The former took place in Colombia in 1958 when a power-sharing regime was introduced, while the latter was introduced in 1991 when an adversarial political system was installed to mend the less democratic features of the consociational model. Institutional design theory contemplates whether institutions are functions of their creators; i.e. political institutions are rationally designed to serve the actors involved in making them, or are idealistic constructions intending to implement a clear structural rupture; in which new actors will benefit at the expense of or with mutual benefits with the existing political actors.

From the outset, the establishment of the consociational regime fit perfectly with the understanding of institutions as functional consequences of their creators, while the latter was largely written in a constructivist framework. The actors involved in the first were the elites, while the latter the sectors excluded from the consociational system. The two different institutional designs implemented in Colombia the last half century, consociational and adversarial, present political scientists with a unique opportunity to evaluate the effect of these institutional designs.

## 1.2 Methodology

Through my interest in political science, and the invaluable assistance from my contacts in Colombia, I kept myself updated with international and Colombian publications regarding the political system and the internal conflict for the last five years. The amount of material produced after 40 years civil war is extensive, but war has polarized the society and many truths live side by side. The complexity of the conflict, the deeply rooted structures that sustain it and the fear of retribution make studies of the conflict both difficult and dangerous. Reliance on government sources

means accepting one truth, whereas the adversaries might have their truth, and NGOs popular media can represent a third.

I have therefore made great efforts to use material originating from a wide range of sources making triangulation possible. To evaluate of the effect of institutional designs, one needs to identify which of the institutions that were reformed, and through an analytical framework link the observed variance in the data to the reforms. The search for and identification of relevant material is a time-consuming project. Written material, or secondary material, has been collected with the help of internet, and by actively seeking it in various academic book stores in the capital Bogotá. Unfortunately, most of the literature written by Colombian scholars is only read by Colombians because the majority of material is not published outside of the country. Fortunately I had the opportunity to travel to Colombia, and been greatly assisted by local contacts who have recommended and helped identify existing literature. Primary sources are also used in the study; two groups of actors were interviewed; politicians and academics. The former was contacted to inform me on how the political actors evaluate new political system, and how they perceive the development of the conflict. The latter was contacted due to their unique position of working, studying, and living in the unfortunate context of civil war. Colombian scholars are responsible for almost all the data produced on the conflict, and possess a wealth of information on every aspect and development of the conflict. I hope this thesis will in some way contribute to their quest of better understanding the situation which makes their lives so unpredictable.

### 1.3 The road ahead

The thesis will commence with a section on how the data was collected and disseminated, and will present the reader with the methodological challenges a researcher may encounter in these kinds of studies. To understand the dynamic of both the conflict and the reforms-processes it is necessary to have knowledge of the relevant political actors and their relative position in society. Therefore, I have chosen to include a comprehensive section which introduces the reader to these relevant

aspects of Colombian history. From this outset I will present the theoretical framework in which the institutional reforms are evaluated. Consociational democracies are defined by institutional arrangements or ‘rules of the game’ that imposes restrictions on the different political actors found in a given society. The defining aspects of a consociational regime are Grand Coalitions, Proportionality, Mutual Veto and Segmental Autonomy. In the discussion I will use these four dimensions of the theory to evaluate if and why consociational regimes contribute to political and societal stability. The results of the analysis will be presented in the concluding chapter of this thesis in the form of a conclusion.

## **2.0 Research on and in conflicts**

This chapter intends to assess the overall quality of the methodology applied in this study. Most research on the internal conflict in Colombia is quantitative. The studies predominantly establish statistical correlations between the intensity of the conflict and other variables. Consequently the data from such studies are widely available, and I will make extensive use of these in this thesis. The predominance of quantitative studies has been accompanied with purely descriptive publications written in absence of any qualitative or quantitative research designs. Many resemble articles from newspapers, in which the personal interpretation of events is obvious while neglecting other possible interpretations (Roll 2005).

Evaluating the effect of political institutions is marred by problems which can affect both the validity and the reliability of the study. Studies on institutional design confront the inherently problematic task of disconnecting the contextual from the hypothetical (Perzeworski 2004). The case of institutional design in Colombia does, however, offer a unique opportunity. The state has undergone several institutional operations during the last fifty years, all of which were explicitly introduced to induce political stability. All designs implemented have failed in ending the conflict, but all have affected the dynamics of the war.

### **2.1 The single case study**

The choice of research strategy depends on what is being studied. Each strategy has its strengths and weaknesses compared to others depending on the topic being studied. The design chosen intends to connect the collected data with the questions posed by the study, and the quality of the design used can be assessed by the establishing four conditions; construct validity, internal validity, external validity and reliability (Yin: 19). The study at hand aims to analyse the impact of an institutional design in a specific contemporary context. In addition to observing what happened, this thesis intends to understand how and why the unfolding of events happened.

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In examining the dynamics between the political reforms and the internal conflict, the behaviour of the actors involved is clearly not possible to manipulate. The conditions for initiating a ‘pure’ experiment are therefore not present, but the case studies make use of some experimental features. In quasi-experimental studies control over the variables is not possible to achieve, so a post-test experimental design can arguably be applied in which variables introduced into a known context can be evaluated by measure the changes in the context. A natural choice of research strategy for such a study is the case study. Case studies are defined as inquiries that “*investigate a contemporary phenomenon within its real-life context, especially when the boundaries between the phenomenon and the context are not clearly evident*” (Yin 2003:13). Moreover the thesis is a *single case study* of the institutional reform in Colombia.

History is filled with examples of how wars were settled by political negotiations and followed with the instalment of new democratic institutions. The Colombian conflict is unique in not being based on the cleavages which traditionally facilitate political violence such as ethnic, linguistic, or any other demographic divides. It is a violent struggle against democratic institutions with the goal of providing more representative and responsive democratic institutions.

## 2.2 Sources

To enhance the validity and reliability of the data obtained, the study relies on triangulation of sources. Interviews are one of the most important sources of information in a case study (Yin: 89). Data from primary sources have been collected though semi-structured interviews, while secondary sources consist of written literature found in the form of government reports, scientific publications, and information presented in written media.

### 2.2.1 Primary sources

Colombia is war with itself, and this context imposes certain legal and practical restrictions; the ramifications of which makes it impossible to contact all actors

involved in the conflict. Insurgent organizations are located in the shadows of society and are both difficult and dangerous to locate. Additionally, making contact with these the actors is prohibited by law in Colombia, and has consequently not been sought after. On the brighter side, the other part in the conflict is the government; in the study defined as the cohort of political and administrative institutions, and naturally no restrictions on contact with elected representatives are in place. The responses from political figures are tied to both their perception of the situation, their personal interest in it, and the 'political' position they take to capture an electorate. Their perspectives are naturally coloured by the position they are in as well as how they got to be in this position. An attempt to balance the political actors was done through interviews with elected representatives in Congress representing and originating different sectors in society who are both in the governmental position and opposition. These actors are identified as being 'rural elites', 'national elites' and the so-called 'third alternatives'.

The interviews conducted were designed as semi-structural. The intention of the interviews was to receive data on certain topics, and I needed a structure to ensure that the answers were related to these. But also I gave the subjects great freedom to express what they perceived as the underlying dynamics of the conflict. To a great extent the same questions were asked all objects making comparisons of the responses possible, and I hoped to be able to identify some distinguishing features in understanding the conflict<sup>1</sup>. The carrying through of the interviews was done by presenting the topic in 'main questions', 'following up questions' to clarify and understand and elaborate what the conversational partner has brought up in answering the main question and use of 'probes' to further ensure the desired depth of the answers (Rubin & Rubin 2005: 135 – 137). The interviews were all conducted in Spanish, lasted for approximately one hour and were all taped. The language did pose some restrictions. I do speak Spanish fluently, but in Colombia certain variations in the language makes it difficult to understand certain expressions. Having extensive

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experience from speaking with Colombians, and being able to double check the responses by listening to the recordings, I am quite certain that the responses have been correctly interpreted. Taping the questions does in itself also pose some methodological problems, in that the subjects may impose some restrictions on what is being said. Nevertheless I found the answers to be very open and diverse.

Two separate groups were identified as crucial for this study. First, the domestic scholars who have intimate knowledge of all actors involved, and have extensive experience from continuous research of the institutional reforms and the internal conflict. As the rest of the population in Colombia, these scholars have all been directly affected by the war, and some have been involved in the forming the political reform implemented. The second group identified is the domestic politicians, who have voted for or against the reforms, contributing to change in the state as a whole and for their own political future. A possible third group that was not contacted was the multiple NGOs working on this topic; including journalists, victims groups, and lawyers etc. However, the NGOs in Colombia are difficult to evaluate as all parties to the conflict have their own civil society, and distinguishing one from the other is quite a task as the independence of the NGOs are difficult to evaluate.

#### **2.2.1.1 Academics from leading research institutions in Colombia**

Higher education in Colombia is difficult to obtain, a distinction is made between the public and private universities. Two universities are in the forefront of this line of research; the public Universidad Nacional and the private Universidad de Los Andes. The first is known as the ideological breeding-ground for several of the country's guerrillas, while the second is by some called the 'university of the presidents' because almost all presidents and their heirs have attended this institution. I found it necessary to visit both in order to compare the information presented, and thereby enhance the validity of the data collected.

Interviews with the academic circles in Colombia had mainly two purposes. First, I wanted to gather information on the political developments from the end of the consociational regime until today thereby acquire a better understanding of the



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relationship between the political elites and the political parties and their representatives. The second purpose was to identify literature which could be useful. As noted a vast body of knowledge has been produced, but is not easily available outside of Colombia. To write a thesis on this subject without recognizing the existent literature would greatly inhibit the quality of the study.

The academics interviewed were; Juan Carlos Rodriguez – Raga from the University of Los Andes whose research interest is political parties and institutional reforms; Fransisco Gutierrez Sanín from the Universidad Nacional who has a very extensive experience from research related to the political and armed actors in Colombia; and Eduardo Pizarro Leongómez, former professor from the Universidad Nacional who has published numerous books and papers on the subject. Currently he is appointed by the president to head the Comisión Nacional de Reparación y Reconciliación, an office established during peace negotiations with the paramilitaries and whose task is to compensate the victims of the ongoing civil war. He is also the brother of the former leader of the guerrilla M-19 and presidential candidate, Carlos Pizarro Leongómez, who was assassinated while campaigning in 1990.

### **2.2.1.2 Politicians in position and opposition**

Three interviews were carried out with the second group of subjects. It would certainly have been preferable to rely on a greater universe of subjects, but time and resources did not permit this. The subjects in this group were selected on the basis of their position in Congress. All are members of the first congressional commission whose areas of expertise are, among others, constitutional reform and development of strategies and politics favouring peace<sup>2</sup>; hence, a natural choice for the purpose of this study. Several interviews were planned, contacts identified, and agreements to conduct the interviews were obtained. The hope was to meet with one member from

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<sup>2</sup> Information on the commission is available at the official website for the ‘Camera de Representantes’: <http://abc.camara.gov.co/camara/site/artic/20060510/pags/20060510113732.html>

each of the important political parties<sup>3</sup>. Upon arrival, however, it was impossible to get in touch with the same subjects. I can only speculate on the reasons why did agreements were not respected. On the positive note, the three interviews that were carried out were with three of the ‘new’ political parties which have been established in the wake of the new constitution. The interviewees were; Dr. Roy Barreras from the political party Cambio Radical (CR); Sr. David Luna from the Por el Pais Que Soñamos (PPQS); and Sr. Germán Navas-Talero from the Polo Democratico Alternativo (PDA).

### **2.2.2 Secondary sources**

The literature identified provides the fundamental base of this study. Relevant literature was identified by recommendation and actively searching for publications on specific topics. The written documentation can be divided in three blocs from where data was derived; theoretical assessment of the political history of Colombia; empirical evaluations of the political system and the conflict; and data from government reports, media and non-governmental organizations. The literature is predominantly published in Colombia, and a great amount of literature regarding; the consociational regime in Colombia; the diverse understandings of the political conflict in Colombia; and historical and contemporary research on the political institutions was found and read during my fieldwork. The divergence in what is being published makes it important to read material that is recommended by several different sources. This would make the researcher able to assess the differences, and link them up to the sources who recommended them.

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<sup>3</sup> A list of parties with short descriptions of each is found in Appendix I

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### 2.3 Assessment of the research design applied.

Only recently were statistical measures of the intensity of the conflict presented (Restrepo et al. 2003). Internal conflicts are difficult to analyse, and finding trustworthy information is challenging. The use of government figures is not unproblematic, and seeking out alternative sources of information can be logistically difficult and at times dangerous. Having academic freedom, Colombia has developed an extensive academic network which has been able to observe the conflict first hand. This has been a great asset for the study of the conflict, but by living in the middle of it, it may also define the focus and thereby restrict the scope of these studies. Adding to this problem is the ever changing context found in a country in which the balance of power has continuously shifted.

The condition of the study's *reliability* shows to whether the mode of operations applied in the research can be repeated and yield the same results. An extensive body of secondary sources has been used, and the references are found throughout the text. This will make it possible for other researchers to confirm the theoretical and empirical quality of the material used. Anyone interested do have the possibility to trace the references to the literature, and are free to draw independent inferences from the same material. The primary sources used in this thesis are people interviewed in semi-structural interviews. Following this kind of interview the conversation between the subject and researcher is quite unregulated. One hopes to be structured enough to get answers related to certain themes, yet not inhibiting the emergence of other themes not previously contemplated on by the researcher. The informal manner of this kind of interview facilitates the conversation, but makes the identical replication impossible. The interviews were however recorded in order to both minimize bias and prevent errors of interpretation. The recordings are available upon request.

With regards to the *external validity*, the general objection to the case-study design is the lack of ability to produce general knowledge. Statistical generalisation, that is “an inference made about a population (or universe) on the basis of empirical

data collected about a sample” (Yin 2003: 32) is not possible to make based on a case-study, and indeed not the aim. Cases can not be seen as ‘sampling units’, rather they are unique categories, and due to this the mode of generalisation is restricted. The study presented here aims to make an analytical generalization, i.e. expand and generalize on the theories of institutional design, not draw statistical generalizations (Yin: 10). Case studies are characterized by a small number of units, and an abundance of undetermined variables. Drawing causal inferences, when the material is so limited, is problematic, and it is difficult to determine the direction of the causal connections (Smelser 1973). The data and analyses from this study are only meant to provide information about these particular empirical situations. The complexity of the conflict and its continued evolution makes generalisations difficult, but the results might indicate some of the possible problems in certain established theories on democratization and institutional design in similar circumstances.

This relates to the *internal validity* of the study. Development of events in the internal conflict in Colombia has resulted in statistical evidence that indicates an escalation of the violence after the inauguration of the new Constitutions, and the thesis intends to answer if this is a causal relationship. The study at hand is predominantly descriptive, but explanatory inferences are made. In order to increase the internal validity the researcher has followed an analytical framework, the events described have been organized chronologically, and material revealing the frequency of relevant events has been collected and variations evaluated. Theoretical propositions have been followed throughout the study, and have guided the collection of the research data.

Assessing the *construct validity* of case studies has been the object of criticism due to the inherent potential of subjectivity by the researcher. Construct validity is linked to the external validity given its purpose to enhance the legitimacy of the inferences made in the study to theoretical constructs on which the operationalisation of the variables are based. There are difficulties in collecting data due to the problems of operationalisation of the concepts and variables. Use of multiple sources of information aims to compensate for this problem; all of which have been deemed reliable and relevant for the research here presented (Kvale 1997). The interviews

conducted, and extensive use of various sources of material augment the validity, but the difficulties in separating the identified variables from the context are nevertheless not to be underestimated. The primary sources identified were selected on the basis of the theoretical foundation of the thesis, but the practical limitations on the study left out many alternative sources and this does reduce the arguments' construct validity. Secondary literature is extensively used to compensate for this exclusion of other possible relevant sources.

Operational validity refers to the extent the variables chosen in the study are representative for the theory investigated. I will return to this in chapter four where the variables are operationalised and defended.

## **3.0 Background**

Ever since Colombia became a sovereign state, the country has been engulfed in some sort of civil conflict, but at the same time also upheld democratic institutions. In Colombia, democracy has never contributed to peace, and many see the various democratic regimes as the enabling cause of the conflict. The current conflict can be understood as an indirect result of the conflict between the traditional elites and consociational arrangements introduced in 1958, with the purpose of ending the devastating civil war known as La Violencia. Today the conflict is no longer between the traditional elites themselves; rather between a conglomerate of elites who controls the democratic institutions and anti-systemic communist guerrillas. Nevertheless, the conflict today still shares some of the same characteristics as did the civil war which lasted from 1946 – 1957, and some of the actors are still the same. To understand this complexity one needs to study the social and institutional history of Colombia. But before I venture into history, a description of the multiple and changing actors is presented to give an overview of the actors place and involvement in the current conflict.

### **3.1 The multiple actors in the Colombia Conflict**

The internal conflict in Colombia is by no means linear. Over time the adversaries have changed, new actors entered and been joined by yet another set of different actors. The myriad of armed and political groups observed during the last 100 years are not all easy to distinguish. I will however give a very brief description below, which will be useful for understanding the next section of this chapter.

#### **3.1.1 The traditional elites**

The traditional elites were formed during the wars of independence against colonial Spain. Consisting of landlords who were operating as all powerful kings in their largely autonomous regions, they turned into renowned generals in the struggle for independence. When the state of Colombia was created, these landlords were the

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founding fathers who subsequently entered national politics (Hartlyn 1993). Forming two parties in 1849, the traditional elites were spread all over the country, and constantly found themselves in conflict with other traditional elites from the opposite party; a situation reminiscent of the wars in feudal Europe. At one end the elites which made up the Conservative party favoured a strong and formal relationship between the church and state, a strong central government, and a protectionist economic scheme. The Liberals on their end, influenced by the liberal and industrialized democracies favoured a separation between church and state, a federal republic and a free market economy.

The manner in which these conflicts were transferred downwards to the “common” people is explained by lines of dependency. The connection between large landowners, the “patrons”, and their subjects; farmers and other personnel have been described as close to a feudal relationship (Hartlyn, 1993:40). The relationship between these two elites has been described as ‘hereditary hatred’, and the feudal bonds transferred this hatred to their clientele. As rural violence escalated the traditional elites increasingly migrated to the cities; predominantly the Liberal elites who at the time found themselves in the political opposition, but also Conservative affected by the Liberal guerrillas or other aggressive neighbours. Violence came out of control and the military intervened in 1953. Most of the Liberal elite and large parts of the Conservative elite were forced into exile. The violence, however, continued and in 1958 a power-sharing agreement, named the National Front, between the traditional elites was agreed upon to stem the violence, allowing the return of the exiled elites.

The traditional elites returned only to find new rural elites had partially displaced them from their traditional areas. Their clientele had been killed, displaced to the cities, or scattered to other parts in Colombia. Through the National Front the traditional elites tried to mould a coherent state, and in the process recapture their clientele by tying them to state institutions that they controlled (Gutierrez 2007). Their success was limited. From the end of the power-sharing agreement the traditional elites have uninterruptedly been losing power in local, regional and even

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national politics; a trend that culminated during the first years of the new millennia. They still constitute a force in national politics, but their power has increasingly been conditioned by regional interests forwarded by the rural elite.

### **3.1.2 The new rural elite**

The new rural elite or the ‘new business elite’ came from the cities to the rural areas in the 1930s 1940s when the state went through a economic and social development process; a period known as the Liberal Republic. Located in the emerging centres of the rural municipalities, they came in contact with all surrounding population coming into the markets with their products, and over time formed a bond of trust with them. When the traditional elites left the rural areas due to the violence the local population were left patron-less and open for attack by rivalling municipalities. The businessmen were transformed into commanders of self-defence militias and provided protection to the local population and constituted themselves as the new rural elite. During the last half of the civil-war they had over taken most of the traditional elite’s remaining clientele (Duncan 2005).

The National Front created state institutions to retake the power from these business elites, and created a comprehensive system for redistribution of resources to the areas most affected by the civil war. But the institutions were abandoned as the new rural elites gained increased control over them and used them to forward personal interests. Economically, rural Colombia went into a serious recession in the late seventies and mid-eighties. The formation of the guerrillas had commenced in the mid sixties, but had until the early eighties been in hibernation. The guerrilla, reinforced by the disastrous rural situation gained force, and initiated a new phase of the conflict when they targeted and expanded into rich and already cultivated areas. As a consequence of the increasing guerrilla attacks, the local business elites, the cattle ranchers, and the remaining landlords formed self-defence militias; the first formation of the modern paramilitaries (Richani 2007).



### **3.1.3 The professional politicians**

This group emerged during the National Front and consisted predominantly of educated civil servants, who built networks of influence through the community projects intending to re-establish the link the traditional elites and their clientele. By cultivating personal ties between the several members of the local rural elite and connecting them to the traditional elites, these actors functioned as ‘brokers’ able to secure state benefits like administrative posts and other goods and services to the local elites. Being largely representatives of the rural elite these professional politicians became inserted in regional and national assemblies in the last period of the National Front. Their entry into national and regional politics controlled by the traditional elites was at first one of subordination, but the number of votes they could secure through their networks gave them an increasingly independent role in politics. Their financial capability grew as more resources were drawn from the state and distributed among their locally based clients; the rural elite. By the 1980s the presence of these ‘brokers’ in national politics was seen by the increasing fragmentation of the traditional parties. Having developed into regional representatives, their financial capability made them able to enter politics without funding or support from the traditional elites. The volatility within this group was high, as the representatives were mostly spokesmen for rural elites, and with the decentralization in the late 1980s throughout the 1990s their control were significantly diminished, but not vanquished. When politics became localized some of these were well established in their regions and could assert a great amount of political influence, while other depended on more ad-hoc arrangement with the rural elites (Archer 1990).

### **3.1.4 The first wave of guerrillas**

The first wave of guerrillas declared their war against the Colombian government in 1964. Some of the rural commanders, who had formed self-defence groups under La Violencia, did not return to the cultivated land. Rather, they opened new areas of colonization for peasants driven from their landlord’s or their own small parcels of

land during La Violencia. Organized in largely autonomous communities with their own self-defence militias, they became an easy and symbolic target for the returned traditional elite. Being in the midst of a nation-building project, in which the state was to penetrate all of society in the entire country, these 'Free Republics' were seen as a threat to the sovereignty of the government. The attack of the Armed Forces on the autonomous community located in the municipality Marquetalia in the Tolima department gave rise to the largest guerrilla in contemporary Colombia; the Fuerzas Armadas Revolucionarias de Colombia- Ejecito del Pueblo (FARC-EP). Two other guerrillas were created in the same period; the Ejercito de Liberacion Nacional (ELN) and the Ejercito Popular de Liberación (EPL). The former was headed by students from the city inspired by the Cuban revolution. In a context of rising rural poverty, they capitalized on the misery and with local help from the peasants in their area of operation they conducted several small attacks on local police and army stations. The EPL is still a part of the Colombian conflicts, but never reached the level of the formerly mentioned guerrillas. Founded by dissenting members of the Communist party, these Maoist inspired guerrilla started their operations in the late 1960s (Palacios 1995).

All guerrillas were very much contained in distant regions and their numbers were insignificant until the mid 1980s when a period of rapid expansion commenced; especially for the FARC-EP and the ELN. When the FARC-EP entered peace-negotiation with the Betancourt government (1982 – 1986) they only numbered about 1000 soldiers (Pizarro 2007i). Some advances were made in the talks, and an effort to divert the struggle onto the political arena was made. A political party was created, the Unión Patriótica (UP), but by the first elections 1988 this party had been all but annihilated. A shift from being present in the distant areas of newly colonized land, they entered the turf of the new rural elite in the cultivated areas and the conflict entered a new and intensified phase. The focus have been shifted from creating a local base in the poor regions who would ultimate descend on the cities, to actively seeking revenue to increase their strength and autonomy. Their collective expansion was continuous until the turn of the millennia.

### **3.1.5 The drugs-elite**

The drugs-elite joined the new rural elites from the late seventies to mid-eighties as the guerrillas were infringing on their territory. Having bought large swaths of productive land in the traditional elites' areas, their interest became tied to control of land, and their presence signified an economic boom to rural Colombia. Enjoying a working relationship with the guerrilla in the guerrillas' traditional areas, their relationship in the rich agricultural areas was one of conflict. The drugs-elite was, thus, placed somewhere in between the guerrillas and the new rural elites and the remaining traditional elites (Richani 1997). The guerrilla expansion made a great impact on the drugs-elite who along with the rural elite and remaining traditional elite were extorted, robbed and kidnapped by the guerrillas. The drugs-elites created their own militias to protect them from the kidnappers, and who cooperated with the self-defence groups created by other rural elites. These first paramilitary formations sponsored and controlled by the cartels came to life in the second half of the 1980s, and continued to expand throughout the 1990s. With decentralization the drugs-elite faced the same opportunities as the rural elites to politically control their local environment, and used this to provide greater security from persecution. From the late 1970s to the first half of the 1990s the drugs-industry was centrally controlled by large cartels located in the cities. Their status in poor urban areas and in rural Colombia was perceived by many as positive, and the first effort to enter in national politics was made. The government assault on the cartels in the beginning of the 1990s led to their destruction, but the industry was not vanquished; rather atomized and spread in rural areas where the state presence was low or not existent.

The drugs-elite were still somewhat different from the rural elites, but they were increasingly taking the leading role by co-opting or pushing out the other rural elites. Through their financial capacity they had headed a substantial process of modernization in the rural areas, diversified into legal business, but also acted in more sinister ways to gain control. The process of assassinating members of labour

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unions, dissenting politicians, journalists and Human Rights workers among others who raised objections commenced in the late 1980s, and augmented throughout the 1990s. The atomization of the drugs-elite spread them for all winds, increased their physical control over coca-producing areas, monopolized the political control over the democratic institutions in these areas, and enabled them to re-enter at every level of society including national politics (Gutiérrez & Barón 2005). In 1996, just before the capture of their capos, the Cali cartel funded large parts of the presidential campaign for President to be Ernest Samper. In a process called ‘Proceso 8000’, it was found the cartels had gained a huge amount of local and regional political power especially in the areas traditionally adherent to the Liberal party.

### **3.1.6 The second wave of guerrillas**

The second wave of guerrillas grew out of the dissatisfaction with the traditional elites, and the growing urban/rural discrepancies observed. Several organizations were created in the mid seventies, but for the purpose of this paper only one is worth mentioning; Movimiento 19 de Abril (M-19). Former members the FARC-EP in cooperation with students from the cities formed part of the guerrilla movement; but this time on a different or more inclusive ideological background. Presenting themselves as a nationalistic Bolivarian force they entered the struggle by stealing the sword of the Simón Bolívar from the house in which the Liberator lived and worked during his time in the capital Bogotá; la Quinta de Bolívar. From symbolic actions to fierce armed battles, the M-19, whose name was derived from the election date in which former General Rojas was defeated in 1970. This election was widely seen as fraudulent. Thus, there was a certain conservative element to the guerrilla that favoured the regional and local interests even though its presence was predominantly found in the cities.

This M-19 guerrilla gained fame for their very visible actions, highlighted by the storming and occupation of the Palace of Justice in 1985. Located in the middle the central plaza in the capital, surrounded by the Senate and less than one city block from to the presidential palace, and the House of Representatives, the army had to

send in tanks to defeat them. All of the participating guerrillas died along with half of the judges of the Supreme Court and numerous innocent civilians present in the building at the time. From 1985 until 1989 the M-19 suffered a series of defeats, but was still very much active. The M-19 entered peace-talks with the government of Virgilio Barco (1986 – 1990), and by the end of his term an agreement had been signed. The guerrilla immediately entered politics under the name Alianza Democrática Movimiento 19 de Abril (ADM-19), and when the election for the National Constituent Assembly was held they obtained close to one-third of the votes. Less than four years after demobilization, the former guerrillas had entered into the executive branch of government (Boudon 2001) (Peñaranda & Guerrero 1999).

### **3.1.7 The paramilitaries**

The paramilitaries or self-defence groups have existed in Colombia since before its inception, and have at times been the only armed forces of the state. The traditional elites had their irregular, armies, the new regional and local elites had their armed forces, so have the drugs-elites and several communities of peasants. Since the mid-1980s the paramilitaries have been a mixture of hired soldiers employed by the rural and regional elites, and the drugs-elite. When the two forces together fought the guerrillas before the Constitution of 1991, the rural elites were dominant. This feature changed in the mid-1990s when the drugs-cartels were atomized, and located their base of operations in the rural areas. The distant regions hidden in Colombia's complex geography made asserting control over political institutions, the local judicial system and security forces an easy task for the well funded drugs-elite.

The contemporary paramilitaries, the Autodefensas Unidas de Colombia (AUC), can be dated back to 1986 when the Castaño brothers began a campaign of aggressive 'self-defence' with the total number of 93 soldiers (Richani 2007). A few years after the legalization of the self-defence groups, and the fall of the drugs cartels in 1995 the AUC numbered between 4000 and 5000. The rise in number was greatly helped by the creation of the *Convivir*; the re-legalization of private self-defence armies, which generated an expansion in the forces controlled by the newly arrived

drugs-elite. From originally being located to certain municipalities these newly authorized militias consolidated control in the rural areas, and started to push the guerrillas out from the cultivated lands. The numerous local and regional militias enjoyed great support from the army, and their founders in local government; the drugs-elite and the rural elites. The balance of power over this rather fragmented militia, shifted from the original leadership asserted by the rural elites to the commanders creating most revenue finance their fighting force. By filling the void created by the fall of the drug-lords, the assimilation or cooptation of their armies into the paramilitary rank and file, the paramilitaries effectively controlled a large percentage of the drugs-trade. This was done by taking over the areas controlled by the drug-lords, co-opting remnants of the cartels, co-optation or expulsion of the rural elites, and taking control over land cultivated with coca from the guerrilla. Their military expansion was paralleled only with their expansion into politics. The areas under their control became strictly regulated, and the process of decentralization meant that their grip on local and regional institutions was made easy, something that gave them access into national politics. In 2002 they claimed to control 35% of the Colombian national congress, and one third of Colombia's municipalities (ibid) (Gutiérrez & Barón 2005) (Castaño & Aranguren 2001).

### 3.2 Social and institutional development in Colombia

Colombia had always been in turmoil. From independence until today some sort of internal conflict has coincided with democratic institutions. Regular elections had been conducted almost without interruption from 1854, yet no democratic institutions have been consolidated. The social and geographical makeup has defined how politics have been carried out, and democratic institutions have always been used by the powerful to remain in power. With more than 100 years of internal conflict the state of Colombia has managed to keep certain equilibrium between national interest, regional interest and local interest, negotiated between several different actors, at the expense of the majority of its inhabitants who simply try to survive and sustain themselves.

### 3.2.1 The formative years

Both the weak structures of the state and the predominance of the elites in Colombia is a direct consequence of the wars of independence. A charismatic Venezuelan named Simón Bolívar formed an army which originated in Venezuela and liberated today's Venezuela, Colombia, Panama, Ecuador, Peru and Bolivia from the Spanish colonial regime and created Grand Colombia. The project collapsed in 1830 due to tensions between the multiple regional interests. In the fragmented new state of Colombia, the landowners who became generals possessed complete control over their subordinates by controlling all the local populations' security, access to salaries, and access to the markets. After Bolívar's death in 1830 large segments of the Venezuelan liberation army were expelled. The landlords became organized in two political parties who on local level were in constant conflict, often economically rather than ideologically based. By the mid 1850s the remains of the Venezuelan liberation army intervened and staged a coup d'état under the General Jose Maria Melo, but his reign came to an end when the first consociational regime including the Liberal- and the Conservative elite was formed. The anti-military legacy in Colombia has been formed by these events and the role of the irregular military forces created by the Colombian elites greatly outnumbered the official army. By the end of the 1850s the military institutions were virtually extinct (Davila 1998). Monopoly on use of violence was, thus, never established in Colombia. Neither was a national police force, a judiciary, a central fiscal policy or any other central institutions. Before 1886 the landlords even printed their own money (Hartlyn 1993).

After the military lost its importance, the ensuing armed confrontations have been between these irregular armies of the two political parties. Apart from La Violencia, the most ferocious took place in 1861 – 1863, 1876 – 1877, 1885, 1895 and the war of a thousand days which lasted from 1899 – 1902. In addition a large number of regional conflicts of a lesser scale have been reported (ibid: 41). During this entire period periodic elections were held (ibid: 41).

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### **3.2.2 The effort to build a nation with the Constitution of 1886**

To solve the crisis the parties, as they had done before to oust the military government, the two elites formed a new consociational bipartisan coalition. This coalition, known as the Regeneration, was headed by the Conservative president Raphael Nuñez. The result was the Constitution of 1886 which drastically increased the central state power, and concentrated the fiscal and administrative power to the executive. The coalition came to an end when the Liberal party was excluded from power, resulting in a new civil war in 1895 and again in 1899 – 1903. However, by the end of the 18<sup>th</sup> century and in the beginning of the 19<sup>th</sup>, the economic prospects in Colombia were favourable to both traditional elites; mainly due to the augmented prices of coffee. This in turn forged a relative calm in which neither of the elites felt economically threatened by the other. Politically however the tensions were clear, and even though the democratic arrangements were in place, elections were often held with only one participating party.

By the end of the 1920s the economy was in free fall, and tensions again began to be expressed violently. In 1930 the Liberal candidate, Enrique Olaya Herrera, presented Colombia's third consociational regime to find a solution to the crisis. The consociationalist promises were, true to tradition, short lived, and the Liberal government soon appointed governors and mayors exclusively from the Liberal party. The Conservatives were ousted from most public offices and violence resulted.

The rule of the liberals was strongly defined by their ideological influences especially after the elections in 1934, in which Alfonso Lopez Pumarejo came into power. The Liberal party had by now introduced a socialist inspired programme called the Liberal Republic, which was forwarded by an internal party fraction led by the upcoming politician Jorge Eliécer Gaitán. Lopez used his presidency in an effort to impose a more liberal oriented policy which included more rights for farmers and workers. This was strongly opposed by the landowners and industrialists who along with the conservative party tried to oust him in a military coup in 1944. This attempt did fail, but the now internal divisions within the Liberal party brought to fore by the ever more popular and radical Gaitán. The strong tensions with both Conservatives



and elements within the Liberal party led to Lopez's resignation in 1945. During his tenure the Liberal Republic had managed to extend the infrastructure of the economy, so more municipalities could be integrated in a national market. As a consequence an exodus of businessmen from the city established themselves in the new markets and the newly arrived soon developed ties confidence with the local population surrounding the village in which they were operating (Archer 1990). Lopez's Liberal successor, Alberto Lleras Camarago, formed yet another bipartisan government. This fourth attempt to share the power between the traditional elites was called the National Union, but like the former was not to last (Hartlyn 1993) (Roll 2001).

### **3.2.3 Civil war, democratic rupture and elite restructuring**

In 1946 the Liberal party was divided between the followers of Gaitán and Lleras who both presented candidatures and ran for office. This in turn led to the victory of the Conservative candidate Mariano Ospina Pérez by plurality vote. The government led by Ospina, initially with limited participation from the Lleras fraction of the Liberal party, once again copied the custom of removing all Liberals from public offices.

The liberals remained divided, and in 1947 Gaitán became the party leader, and withdrew the party from the Ospina government. The Liberals had a majority the Congress, so the tensions between the two parties were reflected in the relationship between the legislature and the executive. The Liberal Congress impeded the executive at every corner and new initiatives to form a consociational bipartisan government failed. In response to this legislative deadlock, president Ospina used his executive powers and declared a state of emergency enabling him to rule by decree. The violence in the rural areas started to resurface. When the Liberal leader Gaitán was murdered on April 9<sup>th</sup> 1948 riots broke out in the capital.

The Conservatives were also divided internally and the more radical part who opposed the power-sharing arrangements was led by the Alvaro Gómez, who by 1948 had been elected as leader of the Conservative party. He urged and succeeded in convincing his fellow party member and president to close down the congress on the

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same day to restore order. Ospina declared an extensive state of emergency, outlawed public gatherings, and imposed a censorship on all radio and newspapers. The oligarchic adversarial democracy had come to an end and was not to be revived.

The period from 1946 – 1957 was a time of unprecedented violence in Colombia, hence known simply as La Violencia. In the midst of civil war President Gomez was, without opposition, elected president in 1950 and during his presidency the censorship was strengthened, repression against workers heightened and violence against supporters of the Liberal party intensified. The exodus of rural patrons intensified, and by 1953 most were gone, although some Conservative patrons had created private armies strong enough to remain and resist both the criminal gangs ravaging the country and the guerrillas formed by the new rural elite that had emerged (Archer 1990). Before the military coup led by Gen. Rojas Pinilla in 1953 an estimated 145 000<sup>4</sup> lives were lost. The traditional elites from both parties who had, or were migrating to the city due to the increasing violence lost increasing control over their clientele who accordingly became patron-less. In their place the new rural elites became the new war-lords. They took over the control of the traditional elite's self-defence groups in order to protect the peasants from attacks from neighbouring communities; often but not necessarily of opposite party adherence. These war lords were initially financed by the national patrons, i.e. the traditional elite, but grew increasingly autonomous and uncontrollable. Their quest for resources later turned to robbery of goods, land and extortion (Duncan 2005). Thus the Liberal guerrillas and the Conservative self-defence groups were established on a largely equal basis, and were increasingly controlled by new elites who had limited ties to the traditional elites and their political parties.

The violence was predominantly concentrated in the rural areas, and the cities remained largely untouched. The difference in the scale of the violence also helps explain why the national leaders did not really address the problem, given they were

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<sup>4</sup> The exact numbers are disputed. Oquist (1980) operates with 145 000 deaths between 1946 – 1953 and 24 000 between 1954 – 1960. Others use different numbers ranging from 250 000 – 300 000 from 1946 – 1957 (Watson 2000).

located in the cities where the violence was not visible. Violence was also most prominent in the areas of special economic interest; more specifically the coffee growing regions. It was a fight for control of land as much as anything, in which the poor peasant classes were driven from their land. In all this turmoil, surprisingly but underlining the mixed interests involved in the conflict, the national economy improved (Tirado 1971) (Hartlyn 1993).

### **3.2.4 Traditional elites' attempt to form a coherent state meets rural opposition**

After the coup d'état the situation did not stabilise, and large segments of the military forces formed an alliance with the exiled traditional parties, and helped to ouster Gen. Rojas. The counter coup d'état was conducted on May 19<sup>th</sup> 1957. A temporary military junta was installed, and remained in place until 7<sup>th</sup> of August when the fifth power-sharing regime in Colombia, the National Front, was inaugurated. The consociational regime received overwhelming support in a plebiscite on December 1<sup>st</sup> 1957. The pact was intended to last for three consecutive electoral terms, counting 12 years, but was extended in the constitutional reform of 1968 to 16 years (Dix 1980).

Before the formation of the National Front, Colombia had no real state institutions, no territorial control, and security was provided by the local patrons. A process of nation-building ensued in which the remaining most independent insurgent groups were forced into submission. However, some of the insurgent groups, predominantly Liberal socialist guerrillas, did not submit to the central power, and were to be central for the ensuing conflict which arose during the National Front. Hence, the communist guerrilla groups that were formed in the mid 1960s were as much an expression of the revolutionary left seen in Cuba, as a side-effect of the bipartisan violence (Leal 1995).

The new rural elite remained loyal or at least in the background during the first part of the 1960s, and state institutions were spread into rural areas most affected by the war and urban areas where the many refugees had settled. The presence of the state was organized through small community project groups called Juntas de Acción

Comunitaria (JAC), linking the electorate directly to the state, and bypassing the new rural elites. The community projects were centrally funded and directed by local organizers in the state bureaucracy who connected the community to the state. These civil servants acted as ‘brokers’ who specialized in capturing funds from the state and distribute them to certain neighbourhoods or for certain projects in rural regions. Some of these ‘brokers’ managed to create a rather autonomous network which consisted of a constellation of the new local elites. During the National Front these increasingly autonomous JACs demanded an ever expanding part of the national revenue, and began staging protests to get their demands through (Gutierrez 2007). The community programs were closed down, and the constituents again became patron-less. The population then returned to the war-lords who were able to provide protection, social services, legal help etc. in the absence of state presence. The constituent’s wishes were forwarded by the local patron to the broker who had knowledge on how to access state funds. These ‘brokers’ were to become the ‘professional politicians’ who forwarded regional interests in Colombia, and made deal between the central state and the clientilistic networks on local levels, and who were to become members of regional assemblies and later national assemblies (Archer 1990).

### **3.2.5 The regional elites assert control over legislative institutions**

The reforms of 1968 came in an attempt to define the future political system in Colombia after the end of the power-sharing agreement. Power was kept centrally, but the members of Congress managed to find some ways to allocate funds for their constituents. Two institutions were created; the ‘pork-barrel funds’ and the ‘congressional supplant’. The ‘brokers’ made use of the funds and managed to divert funds to the municipalities, and also enter into national assemblies. Their dependency on the traditional elites were that the executive branch of government was controlled by the traditional elites who according to the 1886 Constitution controlled the distribution of the state’s resources, and had the power to appointment people to positions in the administrative system. Congress became increasingly controlled by the regional elites. The Liberal party was especially affected by the regional

fragmentation, and control over the party label became impossible. The regional politicians ran and financed their campaigns alone, and were responsible only to their local support-group made up of the new rural elites. During the National Front the relationship between the traditional elite and the regional interests were at heads; almost leading to a collapse of the power-sharing agreement in 1970 (Roll 2001).

### **3.2.6 Reforms of 1988**

The constitution of 1886 had delegated the power to appoint governors who again were empowered to appoint the mayors of all of Colombia's municipalities. This arrangement gave the national elites some leverage over the rural elites, but the relationship between the centrally appointed mayors was tense. Services provided by the state were seen as rights rather than a good provided by the national elites, and the traditional parties were increasingly fragmented into a fraction of the national elite on one side, and an incoherent constellation of local and regional elites on the other (Gutierrez 2007).

Having been an insignificant force contained in poorer regions of the rural areas, the FARC-EP guerrilla held its seventh conference in which a new more offensive strategy of war was agreed upon. From 1982 they began to expand with an alarming pace, and opened a series of new fronts in the economically powerful agrarian municipalities. The other guerrillas soon adapted the same tactics. The ELN ventured into regions of great natural resources derives from oil or mining, and were able to rapidly expand to new areas. But not all communities were receptive to the guerrillas who extorted local business, kidnapped people and robbed people of their belongings (Richani 2007). Several local patrons consequently created small self-defence groups to protect themselves from the guerrilla and criminal gangs who were scavenging the rural communities in the absence of a state power.

Another development is also of crucial importance and coincided with the guerrilla expansion; the industry of illicit drugs was entering the local economy. Beginning with the trade of marijuana in the seventies, and turning into the business of cultivating, processing, and selling cocaine in the early eighties the trade made a

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huge impact. An emerging modern urban society driven by the change from a rural to a service based economy was paralleled by an unbearable situation in the Colombian rural communities who increasingly lost out to the development in the cities (Duncan 2005). The introduction of the drugs-trade led to desperately needed development in rural Colombia and gave the drugs-elite a high standing among all societal sectors in the impoverished regions. In the south and parts in the east in the elites had not been established and the guerrillas have become the protectors of the areas. When these areas were cultivated with the coca, the guerrillas were incorporated into the drugs-economy by receiving protection money from small farmers, placing taxes on transactions, and securing the drug cartels' laboratories. By 1987 the drugs-trade amounted to 6.7% of Colombia's Gross national Product (GDP), and by 1989 an estimated 10% of the GDP came from this trade. All aspects of the Colombia society were affected by the bonanza, as the conflict was spiralling out of control (Thoumi 2002).

All of the local actors demanded a process of political decentralization. The FARC-EP made this clear as early as during the Turbay government (1978 – 1982), which was the first government lead by the 'professional politicians', but he declined to enter any kinds of talks with the guerrilla; and instead stepped up the use of state sponsored violent repression. Loosing the next elections to the Conservative Belisario Betancourt, the decentralization was initiated, and mayoral elections were prepared for 1988. As the power of the guerrilla became ever more present and the state more absent, the most affected by the growth; the landowners and the cartels, acted to counter the offensive. Their two irregular forces formed an increasingly unified front together against the guerrillas. Enjoying control over security and the economy in their communities, the decentralization would also mean political control. So the guerrillas, the local elites with their paramilitaries, and the drug-lords would all benefit from decentralization.

The new rural elite, the remaining landowners and cattle ranchers who belonged to the traditional elites, and the drugs-elite who had bought vast areas of productive land designated for cultivation of coca, systematically began to enter the

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newly empowered local institutions. In the areas where the guerrilla had been able to establish themselves the decentralization was met with violent resistance from this elite triangle. In 1988 the first local elections were held, and before the elections were held more than 3000 leaders and sympathisers of the guerrilla party, UP, are assassinated. The extermination of the political opposition resulted in a marked escalation in violence (Rubio 1998).

### **3.2.7 Complete breakdown and constitutional restructuring; the reforms of 1991**

President Virgilio Barco (1986 – 1990) was the first president since the National Front who did not include the adversary traditional party into his administration (Hartlyn 1993). By 1989 levels of violence were again slipping out of control, and had reached all the mayor cities. The rural guerrillas were making strong advances, and the urban guerrillas continued their urban assault. Numerically weak but symbolically powerful the M-19 guerrilla entered peace-talks with the government. Unlike the FARC-EP, the M-19 promptly laid down their weapons was not perceived as a threat by the Armed Forces and their mandated constitutional monopoly on use of violence.

Elections for a National Constituent Assembly showed the popular strength for the new political movement and they allocated almost one-third of the seat in the assembly. Less than half of the representatives came from the traditional parties, and within this delegation the regional and national interests were diverse; making their collective strength even weaker (Boudon 2001). The untraditional composition of the Assembly drafted a document clearly influenced by constructivist theory, and the final result was intended to brake the cycle of coalitional governments which effectively excluded all other political alternative from having influence. The exclusive consociational democracy was to be changed into an adversarial, participatory and ‘deeper’ democracy. The elites were outnumbered, and the new Constitution also intended to undermine their influence outside of the Constituent assembly. The stated goal of the Constitutional reform was to foster a political culture; based on the rule of law and fundamental rights of every citizen; in which the

power came closer to the constituents; and that the constituents were able to choose from or openly participate in distinct different political alternatives. The goals were to be reached by a strengthening of civil-, political-, economic-, cultural-, and social rights, and a comprehensive effort to decentralize power from the capital to the regions and municipalities (Davila 2002).



## 4.0 The democratic continuum.

The famous expression by the Prussian general Carl von Clausewitz: “*war is the continuation of politics by other means*”, is a good description of the last hundred years of Colombia’s political history. Violence has been, and still is a mean to bring about political change, and being politically involved automatically implies the risk of violence. Separating the two has never really been successful. Nevertheless, from 1974 to 1991 Colombia was considered a *free* i.e democratic country according to the organization Freedom House. After the process of deepening the democracy Colombia became regarded as *partial free*, i.e. a partial democracy (freedomhouse.org). Lifting restrictions on democratic participation, enhancement of civil and political rights, codified guarantees of public accountability and responsiveness unintentionally made the state less democratic.

Since the first theories on democratic regimes emerged, a number of limitations have been forwarded to counter the inherent dangers of this kind of political system. Both Plato and Aristotle recognized that what is considered good does not necessarily include all citizens in the decision-making, but that the decisions should reflect the need and wishes of all members of society. For these philosophers the best possible regime is measured by the outcome of its decisions, not by who participates in making the decision (Malnes & Midgaard 1993). Democratic deficits can thus be perceived as twofold; a lack of redistribution of political power, and a lack of redistribution of resources. Democratic legitimacy is understood as the aggregate of these two. Political inclusion enables participation of all sectors through processes of political identification within democratic institutions, while redistribution perceived as just, open for review, and entails institutions of accountability creates a direct and predictable linkage between the population and its representatives and elected leaders.

There have been many attempts to define what a democratic regime is, but for the purpose of thesis the institutionally descriptive model articulated by Prof. Robert A. Dahl is the most useful. In his much revered book from 1971, *Polyarchy*:

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*Participation and Opposition*, political regimes considered polyarchies, an operationalised democracy, have the following institutional characteristics: *Government decisions must be decided and controlled by elected officials; Elected officials are freely chosen in peaceful periodic elections; Universal suffrage; all members of the state have the right to stand for elections; Freedom of expression; Access to alternative sources of information; and, freedom of association* (Dahl 1971). A state containing these aspects can be considered a polyarchy. In these terms Colombia can be described as a democracy. The political institutions of the state do coincide with the characteristics presented by Dahl. Notwithstanding, some of the political actors in Colombia would prefer to describe it as an oligarchy, claiming these political institutions are designed, controlled and serves only a miniscule portion of the population. Colombia is according to this classification a polyarchy, but is only considered a partial democracy. The two terms should not be considered equal, and Dahl himself would prefer to use the term polyarchy for scientific purposes. The characteristics of the polyarchy are measurable, whereas the *idea of democracy* is much more diffuse (Lijphart 2000). Democracy is measured not only in distribution of power, but also the responsiveness of the elected to meet the need of all citizens as highlighted by the Greek philosophers.

From this discussion rise the question of democratic quality and the difference between ‘formal’ and ‘substantive’ democracies; Colombia being the former, clearly not the latter. Formal democracies refer to the institutions and procedures of democratic systems as in Dahl’s Polyarchy, whereas the substantive democracy refers to the political system’s capability of securing a just redistribution of resources, and ensuring extensive participation in political decisions that effect one self (Luckham et. al 2003). Not one state fits the ideal democratic model, and what is understood as a true consolidated democracy varies both in cultures and in time. Absence of one universally accepted democratic model has lead to a proliferation of descriptive and theoretical models which are culturally and socially derived. Despite the durable electoral tradition of Colombia, many scholars use a hedged version of the concept. The Colombian democracy is often described with ‘supplementary adjectives’

(Collier and Levitsky 1997), such as 'limited', 'quasi', 'restricted', 'oligarchic' (Davila 2002).

Assuming there is a correlation between democratic institutions and peaceful coexistence; we must look at the specific institutional arrangements to see where the Colombian democracy quite obviously failed. This particular case is of special interest as several political systems have been effective. Continued conflict has led to the development of several stabilizing strategies; temporary return to undemocratic rule (1953 – 1957); narrowing of democracy (1958 – 1974); and a deepening of democracy (1991 - ). The Colombian case highlights the difficulties of changing the political culture; all strategies above have been tried and all have failed.

#### 4.1 Conflicts; democratic premise and expression of democratic deficit

Civil war is defined by four criteria. First, there must be a national government at the initiation of the conflict, and this government is militarily engaged in the conflict. Second, each of the fractions has the capacity to inflict a significant amount of casualties upon their adversaries. Thirdly, large scale military confrontations must take place, and the number of casualties from these engagements must be greater than 1000 every year. And finally the conflict must be internal (Collier & Hoeffler 1998) (Singer & Small 1982). Colombia meets these criteria and can the current conflict can henceforth be described as a civil war.

Theory on internal conflict is largely derived from post-colonial countries in which the internal divides, suppressed by colonial power, resurfaced after liberation. Luckham et. al. (2003) identifies three contextually distinct situations in which these 'new wars' have materialized and led to processes of democratization. 1) Conflict as response to incompetent, fragile and authoritarian regimes that failed to satisfy basic needs of the population have come into conflict, and lost power to oppositional forces. The conflict is here found both in the political transition leading to the overthrow of government, and afterwards by the retreating elites and those who gained under their rule. 2) Façade democracies where the government is not able to

respond to the needs, or protect the citizens from violence. The source of conflict is not the democratic institutions as such, but the lack of democratic policies derived from these. Politics is in such situations defined by special interest, patron-client relationships, mafia involvement in politics etc. The conflicts in Sri Lanka and Colombia can be seen as consequences of such flawed democratic institutions. 3) Situations in which violence has been politically and socially embedded. Political violence, even in democratic societies, change the rules and practises of politics by normalising physical force as a means to allocate resources and power, and undermines the democratic institutions and the legitimacy of the state. In such countries violence is characterized by the tendency of always returning (Luckham et.al 2003). In the theories of origin of conflict two main causes are held; ‘grievance’ and ‘greed’ (Collier & Hoeffler 2000). Though not being one of these post-colonial countries, the conflict in Colombia entails aspects from all these three ‘situations’ that are linked to the grievance category. The ferocious fight for strategic economic interest does blur this picture, and dependence on specific economic resources to fight a war can easily corrupt the original cause of the conflict. The elites have not been able to respond to needs of the poorer sectors in society, but the elites have never been overthrown or ceded much power. The next is related to the former but maybe more relevant for the fragmented nature of the country in question in which patron-client relationships have been a defining feature. Last, the conflict has varied in intensity but violence has constantly been a part of the politics and has continued to define the democratic institutions.

## 4.2 Institutional design; can viable solutions be designed?

Democracy is defined by the nature of its institutions, and these are understood as “*a set of arrangements for organizing political competition, legitimating ruler and ensuring accountable governance, typically through free elections to determine the composition of the legislature and the government*” (Luckham et. al 2003: 18). No state can function without institutions, and their existence is commonly understood as the “*functional consequences for those who create them*” (Pierson 2000:475). In

other words, institutional reforms will always reflect the wishes of those with power in any given society. The consociational National Front in Colombia is a clear example of how the creators of the institutions were benefiting from this particular regime.

Democratic institutional arrangements constituting a consociational democracy include specific structural features. The rules of the game are agreed upon by the different elites after a comprehensive task of institutional engineering, resulting in a new political system. Unlike in most consociational democracies Colombia inscribed the new rules in written law, and detailed the processes that should define political order in the next 16 years. Traditional elites defined the political rules, and a relatively stable political system followed. With the untraditional makeup of the Constituent Assembly in 1991 the new rules agreed upon by the authors threatened the status quo, and the political regime that ensued became unstable. The relationship between the social power found in society and the political makeup of the institutions normally correlate, resulting in institutional arrangements which can be seen as functional consequences of who made them. The rules within the Colombian consociational regime favoured the elites, while the new system intended to include all sectors of society.

The power inherited in the institutions is, however, contested by several scholars who point to the apparently diverging results stemming from similar institutions (Prezeworski 2004). Although political scientists have devoted much time to the study of the effect of institutions, not much has been written about the institution's origins and change. Theories on institutional design can generally be separated in two camps; the neo-institutional theory professed by G. Sator, and the path-dependent empirical-historical perspective favoured by D. Nohlen (Roll 2001). The former professes the centrality of the rules of the game, and how these in turn affect the behaviour of political actors. The latter, claim that institutions are a product of social and political history, and need to be approached in the context in which they are found, not as abstract notions of rules. Path-dependence is a theory that offers an analytical framework for the study of institutional evolvement and durability (Pierson

2004). The “critical juncture” framework presented by Pierson indicate a specified break where the institutions are introduced, and can be seen as somewhere in the middle of the two former camps. The institutions are understood as a result of the negotiations between actors in a pre-existing condition, in which they make rational and contingent choices that intend to direct the trajectory of institutional development that is difficult to reverse. The focus here is on co-operation between the implicated actors, and the strategic exercise of power gives rise to, maintain, and transform institutions.

Improving institutions to better be able to respond to the needs of the population may be perceived as a threat to the existing benefactors of these institutions. To this regards, deliberations should be restrained to the making of the institutions in which political actors co-operate or compete, but how the institutions are received and can be manipulated in post-reform contextual setting. The elites in Colombia were benefiting from the former regime, but did not simply disappear from the political scene overnight; rather adapted to the new situation imposed on them. Development of institutions must be seen in a context. Political actors negotiate, co-operate and compete to forward their own personal, as well as collective and mutually beneficial outcomes. Collectively beneficial outcomes may also have positive personal ramifications in which re-election are one possible result of content citizens. Control over the resources means control over the electorate through being able to redistribute. Political scientists have a tendency to focus their attention on the authoritative institutions; the judicial, legislative and the executive. However, the great bulk of government is composed of bureaucratic agencies, and are designed and adopted by public officials who make decision under the prevailing rules of the game. Irrelevant of their democratic creation these administrative institutions are often not co-operative or mutually beneficial for the one affected by them, and they involve the exercise of power (Moe 2005). The distinction between the political and the administrative is fluid in Colombia. Before the National Front the administration was systematically used by the government to increase the influence of their political party in all sectors of society. Still today, the administration by large consist of personnel appointed by the political actors. Bureaucracy as a mediating factor

between the political decisions and the effectuation of these does not really exist in Colombia. The process from political decisions in initiating development programs until the controlling the contracting of firms is controlled politically, and a practise of clientelism has been intertwined with the representative institutions. Independent political actors must as a consequence encounter the existing actors at every level of government and administration. For example an elected mayor may initiate projects. However, the program must first be approved in the correct committees in the local assembly controlled by the traditional actors, then effectuate the legislative bill through an administrative system which is appointed and controlled by individual members of the assembly. Finally when all is arranged it is the administration controlled by the vested interest who decides who will receive the contract, and as these elites are economically powerful the only firms available is their own or someone in their circle.

The constitutional reform in Colombia may give some new insights to the study of democratization and institutional change for two reasons. First the democratic transition in Colombia which took place in 1991 was not a reintroduction of democracy, rather a deepening of democracy which included reforming already existing democratic institutions. Second, the context in which these reforms were introduced involved a set of new actors; leaving the traditional actors marginalized. The composition of the National Constituent Assembly gave the best possible basis for creating new democratic rules in line with neo-institutional theory. But the new rules introduced have fallen short of ending the conflict; rather deterioration in political violence can be observed.

### 4.3 Consociational democracy: the 'only feasible solution'

Consociational theory has undergone continuous change from the original scheme proposed by Lijphart in the late 1960s, and compiled in 1977 with the publication *Democracy in Plural Societies: a Comparative Exploration*. From including five central characteristics describing the institutional arrangements and societal make-up, four are remaining. The central aspect of being only valid for plural societies was

removed, and the conceptual stretching made it possible to expand the theory to other societies as well. The four remaining characteristics shared by the consociational regimes are: 'Grand Coalitions' in government where the respective elites share the political power; 'Mutual Veto' so neither elite, or fraction of the elite, can rule without the consent of the other(s); 'Proportionality' in the sense that the divisions in society shall reflect the participation in the political institutions; and 'Segmental Autonomy' to the effect that each community participating in government have a degree of self-determinacy in certain areas of special interest (Lijphart 1977).

In the effort of defining and measuring the consociational regime more precisely, a new concept was created in 1999 and presented in the publication *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries; the consensus democracy* (Lijphart 2000: 427). The characteristics were expanded to include six additional traits, and the project were somewhat moved from considering societies in conflict to a more general evaluation of democratic regimes. Whereas the original concept of consociational regimes remain largely unchanged, the new concept of consensus democracies is both an expansion of, but also different from the original concept. Consociational regimes are presented as an institutional solution to deeply rooted conflicts. Consensus regimes are envisioned to deepen and stabilize the democratic nature of any given state.

The power-sharing arrangement in Colombia had been introduced, been successful, and formally dissolved before Lijphart presented his much revered and criticised theory. The specific institutional arrangement known as consociational democracy is defined as "...government by elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy" (Lijphart 1969:216). It is a theory which is descriptively derived, and draws the distinction between adversarial and coalescent behaviour in plural societies. Arendt Lijphart published his seminal work in 1977, in which he elaborated on the concept of consociational regimes. By examining the political arrangements in a variety of states, Lijphart meant to have found an institutional construction that provided both peace and stability. He was not the first social scientist who had dealt with the issue. Several scholars such as



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Almond (1956), Lembruch (1968) Ake (1967) and Lewis (1965) had touched upon the consociational idea in previous works, but Lijphart definitely expanded and clarified the previous contributions; to such an extent that such categorization of democratic regimes is forever linked to his name.

Focusing on societies that are ‘deeply divided’ by ethnic, religious, or other strong and durable identity markers, he found that democratic institutions can encounter very real challenges if any of the groups found in society constitute a numerical majority. Groups that are defined along inherit characteristics are not easily changeable, and political volatility is dependent more on fertility than changing political convictions. In democratic institutions, in which the majority decides, the minority group will be doomed into eternal opposition. Peaceful solutions with adversarial democratic institutions, thus, include no incentives for the minority. For Lijphart then “*In such deeply divided societies the interest and demands of communal groups can be accommodated only by the establishment of power-sharing*” (Lijphart 2004:1 my underlining). The power-sharing is thus an institutional tool to end conflict, and introduce a stable democratic regime. In fact he writes that consociationalism “*...is not only the optimal form of democracy for deeply divided societies but also, for the most deeply divided countries, the only feasible solution*” (Lijphart 2000:1 my underlining). The only feasible solution was introduced in Colombia in 1958, and the violence between the traditional elites was never to surface again. The consociational regime was thus an unprecedented success (Dix 1980). In Colombia, the consociational arrangement did reintroduce democracy after the traditional elites lost control over the political institutions to the Armed Forces. But it was the previous adversarial democratic regime that had enabled the situation to come out of control which finally led to the military coup d’état in the first place as described in the previous chapter.

The theory of consociational regimes is derived from observations of institutional designs in plural societies. Lijphart transforms the descriptive characteristics into a normative ideal model of democracy. Not only has the power-sharing been implemented and been shown successful, but it should also be

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recommended to states still in conflict. Such institutional arrangement can not only bring democracy and peace, but also positively affect individual members of society. By being forced to work and compromise on a daily basis, the inherent identities will be reduced in significance, and other cross cutting cleavages will become more decisive. He writes: "*the centrifugal tendencies inherent in a plural society are counteracted by the cooperative attitudes and behaviour of the leaders of the different segments of the population*" (Lijphart 1977: 1). Guarantees of mutual freedom, guarantees of influence, and regulated cooperation for a future for all, create a democratic society free from violence. Consociational regimes effectively force all relevant fractions in society to cooperate in government, and share the responsibility for the outcomes. Proximity and practical cooperation will in turn result in respect and recognition for 'the other'.

#### **4.3.1 Favorable conditions for consociational success**

The cases from which the consociational theory was drawn shared many characteristics; especially the defining characteristic 'Grand Coalition'. In order to be successful in implementing the consociational regime Lijphart identified six favorable conditions. 1) *A multiple balance of power among the subcultures*; meaning a guard against one dominating actor. In Colombia the struggle was between only two actors, and consequently fails to meet this condition 2) *Small size*; the elites are numerically small, thereby facilitating personal relations between members. Geographically the country is large, but its population was only slightly larger than that of The Netherlands when the national Front was introduced. Colombia, thus, met this condition in 1958. 3) *Overarching loyalties, nationalism in particular*. Nationalism was probably weaker than it is in the European cases of consociationalism. The notion of the state has failed to penetrate society in large parts of the developing world, including Colombia. Earlier regional and local attachments were more prevalent. Nonetheless, nation and state have been coterminous, and no cleavage on defining who is a Colombian is found. The overwhelming majority of Colombians are also proud to be Colombian in spite of the widespread negative perceptions found internationally. This notion of nationality is perhaps best

exemplified by the obligatory presentation of the national anthem, popularly claimed to be the second best in the world, every morning and evening at six o'clock. 4) *Segmental isolation of the subcultures*; physically reducing contacts among them and minimizing mutual antagonisms. The Liberals and Conservatives in Colombia mingled together in all parts of Colombia at all levels of society, but certain isolation existed in the form of innumerable small communities such as unions, clubs, universities, including partisan nationwide newspapers. Compared to societies based on ethnic and/or religious divided, the Colombian society was not significantly segmented and henceforth do not meet this condition either. 5) *Prior traditions of elite accommodation*. Thorndike (1911) introduced the law of effect in the field of psychology, meaning that posed before the same problem several times, the response will improve by each attempt to solve it; i.e. trial and error. At every increase in crisis, a coalitional regime has been forwarded as the solution. Until the fifth serious attempt, the National Front, all had failed. Colombia clearly meets this condition. 6) *Crosscutting cleavages*; the adversaries are linked and separated on other grounds than the inherent division. Indeed, in Colombia partisan loyalties cut across all social strata rather than coincide with them, but the cleavages never reached the level of importance to prevent violence (Dix 1980).

The conditions facilitate the introduction of the regime, but do not guarantee a positive outcome. Colombia clearly meets the characteristic of what constitutes a consociational regime, but the favourable conditions are absent or only vaguely present; with the exception of 'prior traditions of elite accommodation'. The conditions are according to Lijphart only favourable and helpful, not necessary or sufficient (Lijphart 1977). Several states have been used as examples for 'successful' consociational regimes such as Austria, Holland, Belgium and Switzerland. Some 'contentious' like Lebanon, which in spite of the civil war does not affect the validity of the theory, and 'controversial' cases as Colombia can also support the theory (Lijphart 2000). In the case of Lebanon the regime failed due to external pressure and internal demographic change, whilst in Colombia it is the democratic nature of the regime that is disputed.

## 4.4 Consociational theory criticised

Lijphart's theory on consociational democracies has been criticized on many occasions and on different grounds. The critique is twofold; based on inherent methodological problems in the theory; and the democratic nature of such regimes. The institutional makeup of the consociational states is diverse, and not one state has the exact same arrangements. At least one or more of the four principle characteristics must be found to label state consociational, but how these are interpreted and applied varies.

### 4.4.1 Methodological criticism; theoretical and empirical concepts

The concept of consociational democracy has undergone several changes, and even given rise to an entirely new concept. Not surprisingly then, there is some conceptual confusion with regards to Lijphart's democratic types. One line of this criticism relates to the empirical validity of the concept(s); the other on the normative and theoretic aspects derived from the empirical findings.

Regarding the first, the conceptual stretching of the concept has served to ad hoc validate the theory (Bogaard 2000). The problem in expanding the theory to better correlate with the cases makes the concept diffuse and also difficult to measure. What does the 'grand coalition' entail? How can one define and measure segmental autonomy? What constitutes mutual veto? How is the proportionality defined? The characteristics are all quite broad, and could include many very different political regimes. By leaving one characteristic behind, divided societies, the theory applies to more cases, and does broaden the concept, but makes the concept difficult to analytically analyse (ibid). This is however defended by the need to broaden if the original theory was too narrow (Lijphart 2000). Lijphart distinguishes between four divergent democratic regimes based on two variables; adversarial vs. coalescent and homogenous vs. plural societies. The four political systems are: *depoliticized democracy*: homogenous society with coalescent elites; *centrifugal democracy*: plural society with adversarial elites; *centripetal democracy*: homogenous democracy with adversarial elites; *consociational democracy*: plural society with coalescent elites

(Bogaard 2000). Of these four the two latter are stable or enhance and maintains 'peace and democracy'. The first would be regarded as oligarchic without much legitimacy; the second is inherently prone to conflict. The distinctions seem to indicate that consociational democracies are somehow less democratic than the adversarial model in which fewer institutional restrictions are applied. In later works Lijphart firmly reject the democratic deficits in consociational systems, and in his new concept of consensus democracy he expresses the opposite stance. These descriptive concepts have been shown to be difficult to encounter, but the theoretical implication of the theory, the subsequent normative type of democracy, is where most criticism is targeted.

More serious and more relevant for this thesis is the apparent confusion between the theoretical and empirical nature of the concept. A concept is theoretical when it has a meaning, and empirical when it has a meaning and empirical referents (Satori 1984). By the same token there are theoretical, ideal types (like Weber's ideal type), and empirical, extracted types. The empirical will never fully correspond to the ideal, merely approximate the ideal poles. Consociational theory employs a mixture of theoretical polar and empirical types, and the relationship between them is difficult to distinguish (Bogaard 2000). The two poles found at each end of the institutional continuum are the adversarial majoritarian at one extreme and the coalescent consociational at the other. Facing problems in defining the consociational system is followed with the same problem for majoritarian systems. By using examples such as France, United States of America, and Great Britain Lijphart merged vastly different institutional arrangements, such as government, legislative, electoral and federalist differences, into the same category. The behavioural characteristic in adversarial systems defines majoritarianism better than the institutional make-up, and makes it empirically unfeasible to find examples of failed majoritarian political systems (Andeweg 2000). The problems of definitions manifest themselves in the areas of institutional design, and it is claimed that if the empirical and normative typologies do not completely overlap, there are no grounds for policy recommendations (Bogaard 2000). The problems with normative and empirical types do not concern Lijphart, and he does indeed state that consociationalism is both an ideal type and an

empirical category. The categories are defined in exactly the same terms, making distinctions between them futile, and Lijphart compares this to Dahl's use of the concept polyarchy as an empirical model, and democracy as the theoretical ideal type (Lijphart 2000).

Not only the defining characteristics, but also the favourable conditions have been criticized; the contextual realities in which a consociational democracy can be successful. Claiming to be helpful rather than necessary, Lijphart does undercut any possible criticism, but the conditions were empirically discovered and henceforth affect the normative value of the theory. The criticism has two main points of departure; the vagueness in defining the conditions and the relevancy of the conditions. Several scholars have pointed out that *A multiple balance of power among the subcultures; Small size; Overarching loyalties, nationalism in particular; Segmental isolation of the subcultures; Prior traditions of elite accommodation; and Crosscutting cleavages* are all difficult to define, difficult to measure, and it is difficult to assert the relevancy and logic of the conditions presence in a given society (Andeweg 2000).

The first implies two things; 'absence of a near majority' and 'stable subcultures'. If one group is in majority, there is little incentive in making concessions to the minority. Furthermore, traditional democratic norms do not require them to make these concessions. However, in plural societies with near majorities, the fear of casualties in conflict may reduce the benefits of controlling the legislative and executive majority. The majority may very well decide to cede some power in order to bring back stability. The benefits of cooperation will thus outweigh the costs of not cooperating. In Colombia the Liberal party have almost without interruption held the legislative majority, but concessions were made to the Conservative minority so that both elites could prosper. The stability of the subgroups is implied in the theory by use of concepts such as 'deeply divided'. Shifting membership is not touched upon, but can be interpreted as the goal of consociationalism, given the other cleavages in society will increase in importance. I will return to this with below in presenting the criticism of the condition of cross-cutting cleavages.

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What does the ‘small size’ mean? Does it relate to the size of the elites, the population, or the territory? And what is the threshold if one finds a group to measure? Being favourable conditions, the leap to labelling them the contextual causes of consociational democracy is not great. The condition of small size enhances the elites’ ability to foster personal relationship across the divide that causes instability, and thereby redefining their relationship through learning about ‘the other’. Lijphart writes that the essential characteristic is “...*not so much any particular institutional arrangement as the deliberate joint effort by the elites to stabilize the system*” (Lijphart 1969: 213). When the elites realize the risk posed by centrifugal tendencies, they counteract these by deliberate cooperation. That some divided societies are still in conflict does seem to contradict this. If the system is breaking down any thinking person would see the need to bury the hatchet, the question is why this has to happen on elite level and not at mass level. It is a description of what happens not why it happens, making causal explanations of the creation of consociational democracy problematic to assert.

‘Overarching loyalties, nationalism in particular’ implies a notion of some common denominator among the different subcultures, while ‘segmental autonomy’ can lead to the reduction of overarching loyalties and favour territorial secession. Nationalism is easier fostered in a unitary state, than in the regionally divided federal arrangement, yet Lijphart sees both as favourable. In the case of Colombia the nationalist perspective was central to the traditional elites who through a unitary state tried to foster national cohesion, while the new rural elites, formally within both parties, favoured as much autonomy as possible. In countries where the divisions are deep the question is not how the country should be run, but if it should be a country in the first place (Barry 1975). The criticism, however, does not apply for Colombia for primarily two reasons; the increasingly disputed nature of the division, and that no dispute is found with regards to the territorial integrity of the state. The condition of segmental autonomy was not prevalent within the national Front, but subsequent efforts to improve the democratic nature of the system unintentionally led to it.

‘Tradition of elite accommodation’ transforms the question of the origins of consociationalism into a question of the origins of the tradition of consociationalism. If the latter is answered in sociological terms the condition is still problematic. It implies a continuance of elite cultures, even if the elites have changed, and also a passive public who do not affect elite behaviour. The continuation of power-sharing traditions may shed more light on explaining consociational regimes, more than the origin of the tradition (Andeweg 2000).

The ‘cross-cutting cleavages’ have also led to some scholarly confusion. The essence of consociationalism is to foster stable democracies in societies where the cleavages do not cross-cut. This leads to the polarization and conflict in the first place. If a favourable condition is that several cleavages cross-cut, then these would diminish the strength of the defining deep division, shortcutting the reason for the conflict in the first place. If cross-cutting cleavages exist, will the defining division in society cause the conflict which the consociational democracy is designed to solve? (ibid). As described in the past chapter, the ‘deep division’ was at first quite easily definable, but at the time of introducing a consociational regime cross-cutting cleavages were found in the new distinction between national and rural elites. In the discussion of this paper I will argue that this condition not favourable at all in either implementing the system or maintaining the democratic stability.

#### **4.4.2 Consequences democratic quality; another quasi-democracy?**

By the mid 1990s the third wave of democratization was receding. In its wake, a rich conceptual innovation was found. Collier and Levitsky (1997) identified more than a dozen democratic types such as ‘restricted democracy’, ‘guided democracy’, ‘oligarchic democracy’ etc. The conceptual stretching of the concept led them to label this phenomenon as ‘democracies with adjectives’. The consociational democracy can be considered as one of these subtypes of democracy, in which limits on democratic majority is imposed to prevent instability.

Is the consociational democracy the best democratic regime, or the just best kind that can be expected in certain contexts? In his earlier works Lijphart identified



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four possible problematic outcomes with the consociational democracy; *inefficiency*; *immobilism*; *strengthening of cleavages*; and *democratic deficits*. Inefficiency results from the elite negotiations and the difficulties of finding solutions favourable to all; immobilism can define the political agenda if ‘emotional’ zero-sum decisions are forwarded; strengthening the cleavages by further segmenting the groups and favouring voting along existing divides; and lastly democratic deficiency: where he himself writes “.....*though far from the abstract ideal, it is the best kind of democracy that can be expected*” (Lijphart 1977:48).

The consequences for the quality of the democracy can be view as threefold; absence of opposition, predominance of elites, and mass political apathy (Andeweg 2000). From the outset of the theory Lijphart is quite defensive of the democratic deficits inherit in consociational societies, as exemplified by the quote above. However, in later works he changes this perception and writes “*There is nothing in consociationalism that true democrats have to be ashamed of*” (Lijphart 1985:109). The change of mind is based on Dahl’s (1971) ranking of democratic states, in which the consociational democracies figure in the highest categories. Critics, like Van Schendelen (1985), find this assertion problematic, because above all competitiveness is the essence in the polyarchic theory. However, competition is not the only central aspect of Dahl’s theory; inclusiveness is also paramount for any democratic state. To this respect the consociational democracy may very well outperform adversarial systems of politics, and create a ‘kinder and gentler’ democracy (Lijphart 1999).

Inclusiveness in political decision-making is crucial to any democratic society, but who are to be included is more problematic. The common answer is as many as possible, and is materialized in grand executive coalitions, as opposed to the fifty percent majority in adversarial systems which opens up for the tyranny of the many. In consociational theory however, as many as possible means as many elites as possible. This has some ramifications for other aspects in the polyarchic concept; namely the responsiveness and accountability to the people. Why vote when the political system guarantees that nothing will change? The democratic problem here is not the relationship between the elites, but between the elites and the masses. The

absence clear-cut alternatives in democratic elections have been forwarded as one of the problems facing the well established 'western' democracies, and this also affects the premises for the consociational theory. The lack of opportunities to effectively participate in democratic decisions is another. Both of these democratic deficits can be reinforced by consociational systems where the elites are destined to rule (Andeweg 2000), either through an implicit or like in Colombia explicit arrangement. The state is governed by coalescent elites which favour democratic stability, but through this arrangement the ability of the masses to influence the elite's decisions, not to say participate in the decisions is restricted.

Brian Barry (1975) and Donald L. Horowitz (1991) are two vocal critics of inherent democratic problems facing the theory. Elite cooperation and lack of electoral competition are consociational premises that have problematic ties to the common understanding of democracy, and can easily be interpreted as the cause of political apathy. The competitive element in democratic theory is essential, and these two critics propose methods that would moderate the vote, not extinguish it. Lijphart, however, rejects the proposals on the basis that in 'deeply divided societies' moderation will not be sufficient or even probable. The 'eternal minority' would have to rely on the moderation of the majority, and hope that this is a stable moderation. Exposed to the will of the majority, moderate or not, the minority would opt for an opportunity to influence; either within a consociational democratic system, or outside of the democratic system. Using the conflict in Northern Ireland as an example, he finds it difficult for the Catholic minority to accept the decisions made by the Protestant majority if there are no guarantees of real political influence in the decision-making. The long history of conflict will not allow the 'moderate' Protestants to decide the lives of moderate and extreme Catholics. Such democratic designs are recipes for disaster, and will ensure a continuation of the conflict (Lijphart 2004).

The consociational theory stipulates that the sharing of power will lead to stability, but inherent in the theory is the transitional nature of this stability. The original divisions which caused instability are blocked by the consociational regime,

leading to a reduction of their importance. If the original divisions become absent, the consociational regime is no longer needed. To defend elite cooperation when the elites no longer represent any coherent group is more characteristic of a depoliticised democracy, as arguably is the case in Colombia. The goal of consociational democracies is to create a society in which adversarial democracy can be introduced. Thus, the consociational democracies intend to bring stability to society, and when successful it reopens the doors of democratic competition. The model of democracy will thus fall for its own success, and is therefore inherently instable. Consequently, some authors claim that when the erosion of the cleavages reaches a certain level, an introduction of a more adversarial system of government is in order (Andeweg 2000). In Colombia, however, stability was never really reached in the first place and a prolonged instability was the outcome. The regime itself gave rise to new cleavages which gave rise to a new conflict. The 'value' of the consociational arrangement might then be measured by comparing the benefits of its instalment, and long-term consequences for the democracy quality.

The ramification of the consociational regime could then arguable signify that the perseverance of the consociational democracy functions as an obstacle to the consolidation of democracy. The case of Colombia serves as a vivid example of these inherent dangers found in this particular institutional design. The grand coalition consisting of the different elites excluded all other political actors even after the original divides between the elites were mended. Cross-cutting cleavages came to fore soon after the National Front was inaugurated, but the cost of programmatically defining them in political manifests exceeded the cost of forming different coalitions that would keep the political power among the few. The exclusiveness of the regime legitimized and facilitated the creation anti-systemic forces who did not abide by the democratic rules of the game which were codified by the elites.

## 4.5 Theoretical dimensions and empirical variables

In order to claim that the empirical phenomenon is relevant for the theoretical concept, the variables must be made measurable through a process of operationalization. The variables used are chosen due to their relevancy of the central theory in question. I have identified four institutional dimensions and operationalized these in measurable variables. The aim of the task of choosing variables is to identify aspects which are both theoretically and empirically representative to the phenomena I seek to explore (Hellevik 1991).

Consociational democracies are defined by their institutional arrangements which are either promulgated by law, or by implicit arrangements agreed upon by the different participating elites. The institutional arrangements are defined by Lijphart as: Grand Coalitions; Proportionality; Segmental Autonomy and Mutual Veto. To assert whether a regime possesses these are difficult due to the lack of rigidity in definitions as mentioned previously in this chapter. Nevertheless one can be positive in claiming that the regime known as the National Front in Colombia had all but one of these characteristics; segmental autonomy. Rather projects fostering national cohesion across divisive lines were implemented, and an integration of the national elites resulted as presented in the chapter 3.

The independent variable is the structural reforms entailed in the Constitution of 1991, which intended to promote peace by enhancing political representation and participation, guaranteeing a comprehensive set of political, civic, economic, cultural and social rights, and is categorized along the four characteristics of the consociational democracy; a political system the reform intended to replace. The different aspects of the Constitutional reforms are organized under the four theoretical characteristics proposed by Lijphart; Grand Coalitions; Proportionality; Segmental Autonomy and Mutual Veto, and operationalised in measurable features connected to the institutional reforms. The dependent variable by which the constitutional reforms are measured is the intensity of political violence. Political

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violence is defined as acts of violence conducted by the illegal groups in Colombia and measured in:

- Rates of homicide in Colombia 1945 – 1999
- Guerrilla and Paramilitary activity. Measured in reported events
- Civilian casualties related to the conflict
- Number of massacres conducted from 1988 – 2003
- Number of political assassinations conducted from 1958 - 2002
- Numerical and territorial expansion

Asserting the number of casualties in war is difficult, and data can often be divergent and contested, depending on the source. The total numbers of casualties derives from official government sources whose data sets are used. At least three problems can be identified in using these sets. First one can question the methods of categorizing victims as casualties of war and victims of common crime. Secondly there are known cases where the victims were ordinary citizens, but camouflaged and presented as guerrillas. Third the government may have an interest in exaggerating the numbers and present the results as consequences of their policies. However, in measuring the intensity of the conflict my purpose is to identify trends in violence in relation to political reforms which markedly is observed in the statistics. So even if the numbers of victims are actually lower or higher the fluctuation in these specified periods of time still stands out. To be more specific there are two kinds of very visible crimes which are unquestionable tied to the war; assassination of public figures and number of massacres. Intensity of military clashes between the different actors will be discussed in later parts. Both crimes have the intention of gaining territorial control. Last a figure presenting the relationship between the rate of common crime and the political violence. These indicators are often linked in societies which are in war, and make the differentiation between the two problematic.

The thesis aims to answer whether and why the Constitutional reform of 1991 led to an escalation in political violence. The members of the National Constituent Assembly intended to move the political system from being a consociational exclusive system to an adversarial and participatory one by a series of specific

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institutional reforms. In the analysis I shall consider the effect of a number of these and try to explain the observed changes in political violence.<sup>5</sup>

#### **4.5.1 Grand Coalitions**

Grand Coalitions is the most prevalent feature of the consociational regime. The elites share power in government, in a manner where the political power is limited to the specific groups. The system is in other words exclusive for the dissenting forces, but inclusive and cooperative for the participating elites. The internal balance of power within the elites is manifested in the composition of the executive, and changes in the composition reflect the changes in balance of power between them. Grand Coalitions in Colombia was not a new feature as four different had existed before the National Front, but this was the first time it was protected by law. The exclusive nature of the arrangement led to dissent within the elites, and also outside of the elites in the form of armed resistance. The reform of 1991 intended to replace this feature of government with a pure majority principle in which the people could choose between several distinct political options. Several variables can be used to measure the political composition in state institutions. Elitist societies are very centered on families and a study of family relations within the political elites could help organize the structure and the evolution of society in relation to power in political institutions. In this study I have chosen to focus on a more aggregate level and have identified several actors who with some caution be dichotomized; the legal political elites, and the alternative socialistic political fractions. The first consist of traditional, regional, local and drug-elite that together control both an official army and to a certain extent a paramilitary army. The second entered legal politics first in 1986 as an independent force, and became an accepted part of the political sphere after the constitutional reforms of 1991. To measure the inclusiveness of the newly emerged political actors, political recognition and acceptance would be expected to correlate to political inclusiveness according to the consociational theory, while oppositional/positional in majoritarian theory. This dimension will be measured in three ways:

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<sup>5</sup> Model of linkages between political structures and political violence in Appendix I

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- Composition of the executive from 1958 – 2002
  - Degree of dissent to the consociational arrangement 1958 - 1974
  - Alternative political forces; the democratic left (1958 – 2002).
  - Effective number of parties

The measures of grand coalitions intend to explore if the theory can be substantiated in the case of Colombia. If Lijphart was right the inclusiveness of the Grand Coalition should foster stability. Instability is expected in certain actors do not consider the views of the minority who is or is not party to the coalition.

#### **4.5.2 Proportionality**

Proportionality between the divisions in society and representation in political institutions is paramount in representative democracies. In Colombia this applies not only to purely political but also administrative institutions, which predominantly are politically appointed. The positions in legislative and coalitional executive bodies give the actors the power to appoint a certain number of people to certain administrative institutions. This system, which greatly diverges from the Weberian a-political bureaucracy, was installed in 1958 and efforts to modify it by introducing a concept of a merit-based administrative career have not been successful.

Representation can be understood in at least two different ways; politically and characteristically i.e ethnic social and economic etc. I will here only focus on the political aspect of representation because the original division between the party-elites were based on this notion, and the characteristically features in most of the worlds consociational democracies were not present in Colombia. Acceptance of the political system can be measured by the rates of abstention. Non- participation in elections can be explained in various ways, and need not only be a response to political apathy. Infrastructural restraints can be expected in developing countries, and those countries in internal conflict violent threats may pose restrictions. In Colombia however the levels of voting have been stable over time, and the durable political apathy will better explain the lack of fluctuations after 1957. Introduction of new and more representative political actors would thus be expected to correlate with

a higher electoral turnout. To use abstention as a measure is laced with problems of validity due to the difficulties in establishing the cause of the non-participation. In Colombia there is a long tradition of using political abstention as a political tool as a means of protest and to de-legitimize the elected government. It was a electoral behavior used regularly by the traditional elites before the National Front, and dissenting forces during the National fronts. However other countries such as the USA have only a slightly higher electoral turnout. I will return to this in the discussion. Three variables will be applied to illuminate this dimension of the political system:

- Composition of the legislative 1958 – 2002.
- Party fragmentation: Number of lists presented for elections 1970-2002
- Third party representation in Congress 1974 – 2006
- Rates of electoral abstention 1957 – 2006

Before the reform two parties were clearly dominant, and by 2002 more than 40 political parties were represented in Congress. One could therefore expect a higher degree of proportional representation. However the proliferation of the parties can also be seen as a strategic move by the constellation of local elites to accommodate and gain strength in the new system. The level of proportionality between the rulers and the ruled can therefore be questioned in spite of widespread party proliferation. A last measure is therefore included to display the level of political inclusion by the third parties, which are clearly different from the two traditional parties. The lines of conflict in Colombia are defined by socialist guerrillas created in response to real grievance and strengthened by economic opportunities, and the official state. The level of insurgent influence in politics is found in the level of representation for the ideologically similar but legal representation; the so-called ‘democratic left’. According to Lijphart the proportionality in society should be observed in assemblies and executive. The leftist guerrillas are most definitely a significant actor in the Colombia society, but do not have a political outlets.



### 4.5.3 Mutual Veto

Mutual Veto means the participating elites have the opportunity to veto legislation and policies contrary to their interest. The consociational system in Colombia secured this with a requirement of a two-thirds majority in Congress. The legislative immobilism as response to the proactive power of the president in proposing new legislation is interpreted as effective use of veto. Pre and post reform periods are compared to see behavioral change. Considering that the political system installed in 1958 and refined in 1968 was written by the elites to serve the elites, one would expect very little change made to the rules of the game. Comparisons with legislative behaviors after the constitutional reforms of 1991 will be interpreted as a consequence of the reforms, and the changes made in the new document can be seen as a post-reform revisal of parts constraining the elites.

The use of emergency powers of the president, which are widely considered as a response to fragmented congress who favored the existing realities, gave the president and his coalitional cabinet the power to make all decisions. By grand coalitions in the executive which were proportional to the political forces found in congress the elites excluded excluding alternative political forces from real power. After 1991 the presidential powers were reduced and declaration of emergencies is tested by judicial review conducted by the Constitutional Court, and must be renewed after 90 days. A coalitional government is expected to give the president the support because the same actors constituting the majority in Congress are also part of government. Governments who act exclusively will not find support in Congress, and use of emergency power will be reduced. Strong presidents before the reform made extensive use of this power which was practically. Strong president after the reform have the backing in Congress, and may not even need the power to rule by decree. In Colombia a government which can include a sufficient number of congressional fractions and is able to reward them will be more likely to gain autonomy and initiate change. Thus, the two variables indicative of the use of veto power for participating political minorities are:

- Intensity in constitutional reform making 1958 – 1990 and 1991- 2003

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- Use of emergency power 1958 – 1990 and 1991 – 2002

#### 4.5.4 Segmental Autonomy

Segmental autonomy to the effect that each community participating in government has a degree of self-determinacy in certain areas of special interest. This dimension is problematic in the case of Colombia, and another term; *decentralized power* may be a better description. The societal model with static elites situated in a clearly hierarchical relationship with the masses as presented by Lijphart is not found in Colombia. Instead, an incoherent and fragmented society can be observed where society is organized under a multitude of different elites with varying degrees of cooperation and accountability within the elite hierarchy which was originally topped in the party leadership in the Liberal and Conservative party. Decentralization of power from the institutions controlled by the traditional elites to local institutions controlled by the rural elites gave the plentitude of local elites greater autonomy in their areas of influence. The political elites have always been dispersed; rather a discrepancy between the national and rural elites was being segmented. The Liberal and Conservative communities in rural areas were controlled by elites close to them, and these elites shared the power with the national elites in government who appointed political leaders to run the executive at regional and local level. The process of decentralization gave the local communities and their elites increased autonomy, and thereby the powers to themselves elect their leaders and empower them with access to the administration and fiscal resources found at national level. Segmental autonomy in the fragmented Colombia is thus, best understood as the level of self-determinacy in the local communities. This consociational dimension was not present during the consociational regime, and was, as understood here, opened up in the late 1980s when the first steps of the process of decentralization commenced.

One exception found in Colombian society can be seen in relation to Lijphart use of the term, but applied to an actor not identified by him; the Armed Forces. Not defined by any of the characteristics forwarded in the consociational theory, the Armed Forces in Latin America are exceptionally cohesive mutually recognizable

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and politically active. With certain caution the Armed Forces can be considered a subculture which does have special interest in government, more than being an administrative tool of the government. In Colombia the Armed Forces gained autonomy during the military regime led by Gen. Rojas, and the counter coup d'état segmented this role when codified in the consociational regime. A redefined role for the Armed Forces was one of the central reforms of in 1991 Constitution. The variables introduced to measure this dimension of the consociational regime and the degree of change after the reforms are fourfold:

- Guerrilla - paramilitary infiltration in local political and administrative institutions: Presence of illegal actors.
- Political, fiscal and administrative self-determinacy
- Level of governmental transfers

Infiltration into politics by the illegal groups is shown in the level of expansion. Upon seizing territory the illegal armed actors encounter local institutions. These may be security, political administrative which all have a role in society which the illegal actors are interested in controlling. For the illegal actors there are basically two options if they intend to remain in the territory conquered; co-operation/ co-optation or use of physical force. In either case the presence of these actors do have an effect on local government, and increased power and resources delegated to the local institutions present the both existing and new actors with incentives of augmenting their control over these. The local communities and the local elites facing these choices themselves have an interest in which of which of the illegal actors which best will serve them; both in the long term and short term. Increased power and autonomy through decentralization made local governments more attractive and more prone to violence.

## **5.0 Consociational theory and development of conflict**

In this part of the thesis I will see whether the violence in Colombia can be related to the Constitutional reforms of 1991. The institutional evolution will be seen in light of the four dimensions of the consociational regime to see if my two hypothesis presented in the introduction are confirmed, or if other explanations have stronger explanatory power.

### **5.1 The evolution of political violence in Colombia**

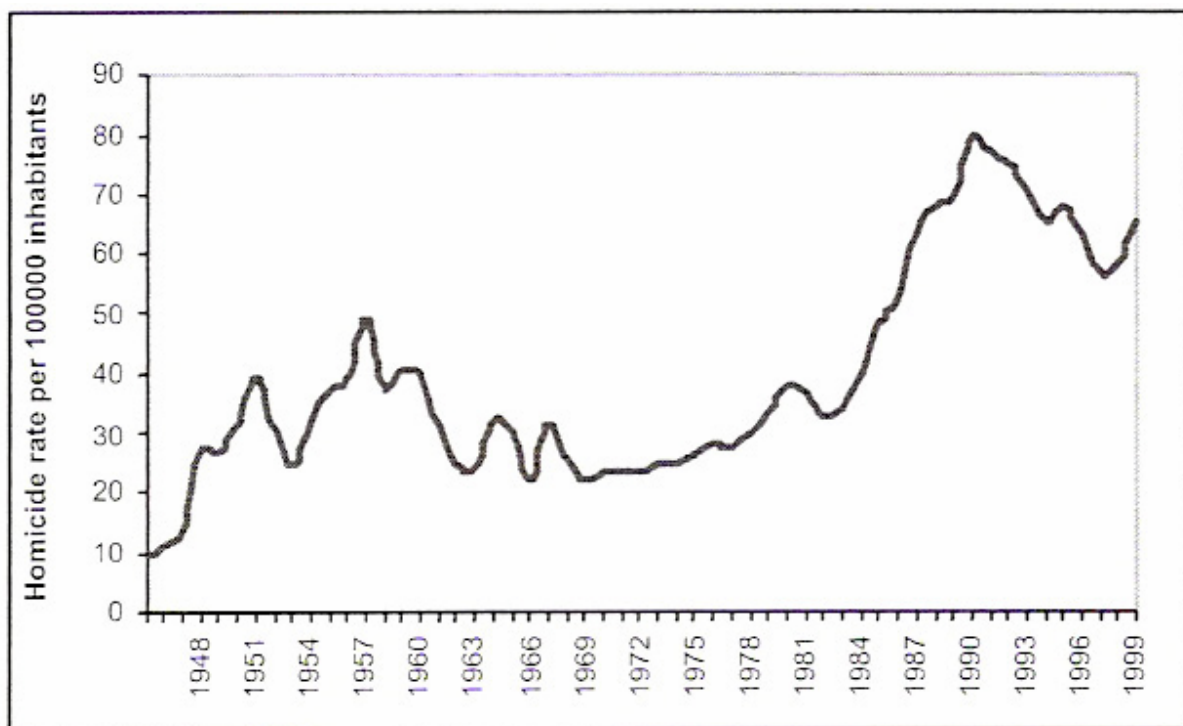
My dependent variable in this thesis is political violence. In the following I will present the data related to this variable and give a short comment on why each is included. How to understand the variance in the data will be discussed in the following sections of this chapter. There are several ways to measure the level of conflict in a given society, but to distinguish the level of ‘common’ and ‘political’ violence is more difficult. Political violence is defined as acts of violence conducted by the illegal groups in Colombia with the purpose of instigating political change.

#### **5.1.1 Total number of victims and number of civilian victims**

Graph I shows the homicide rate in Colombia from 1945 -1999. This graph displays the total number of violent death without distinguishing between the politically motivated murders and homicides committed due to other motives. Violent conflicts affect all members in society and not only those directly involved, and one could expect the increasing levels of political violence to positively correlate with the level of other violent acts. War breaks down the structure in society by targeting institutions vital to the stability of any given society, and those most affected are those related to security and justice. The latter in particular have great difficulties in democratic societies because the civil criminal courts are designed for solving crimes committed in societies in peaceful coexistence. Restrictions protecting individual from being convicted without due trial such as the presumption of innocence, due process, high standards for accepting evidence are all time-consuming and require great resources in terms of educated personnel and money. Civil war break down the

structure in society by putting too much pressure on these institutions and this results in collapse or severely reduced capabilities. Of all cases involving violent homicide in Colombia only 6% are prosecuted and lead to conviction. 94% have no consequences for the perpetrator within the legal judicial system. Of all murders committed in Colombia only 10% are related to the internal conflict.

**Graph I: Rates of homicide in Colombia 1945 - 1999**

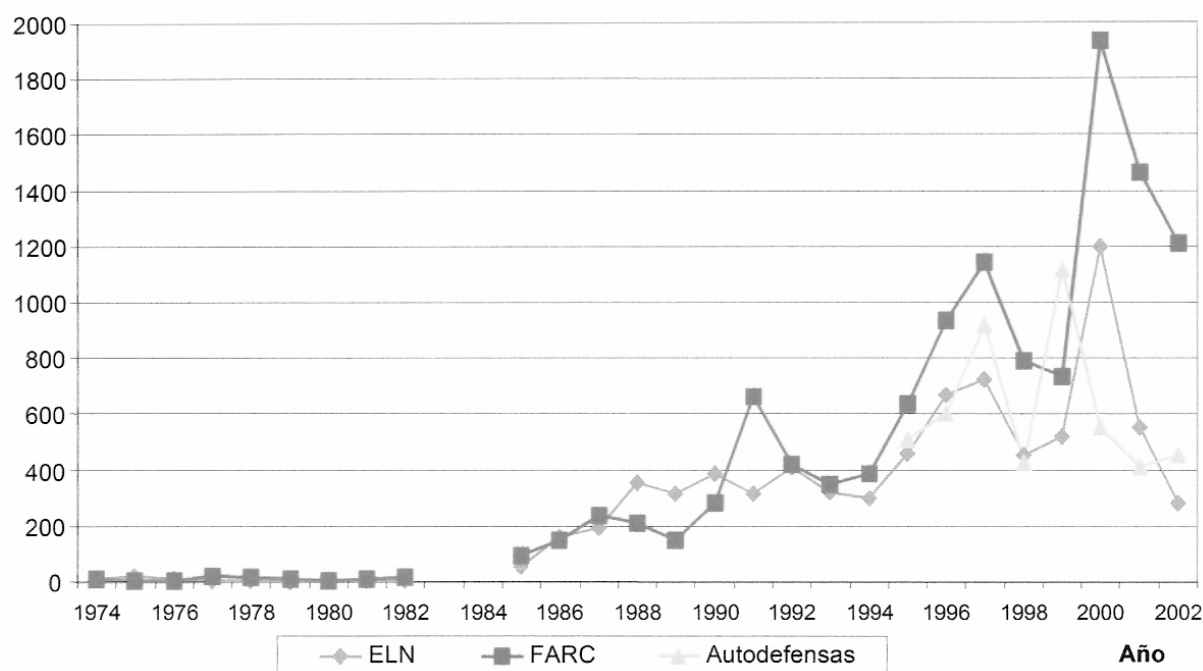


Source :National Department of Statistics and National Police, cited in Brauer et. al (2002)

Above we can observe the waves of violence and are able to easily identify the period known as La Violencia which commenced in 1948. During the period of the National Front the number is quite stable, but in the late seventies, early eighties a surge of violence commences. The violence peaks in 1990 – 1991 when the peace negotiations were being finalized and, the Constitution was in the making. By the mid-nineties the violence again was on the rise. In Graph II the number of total number of military activities conducted by the illegal actors are presented. In comparing the two one can see that the rate of homicide in Graph I roughly correlates with the politically motivated operations carried out by the three actors. As seen below the operations carried out by the illegal actors were reported as early as in 1974, but only from the

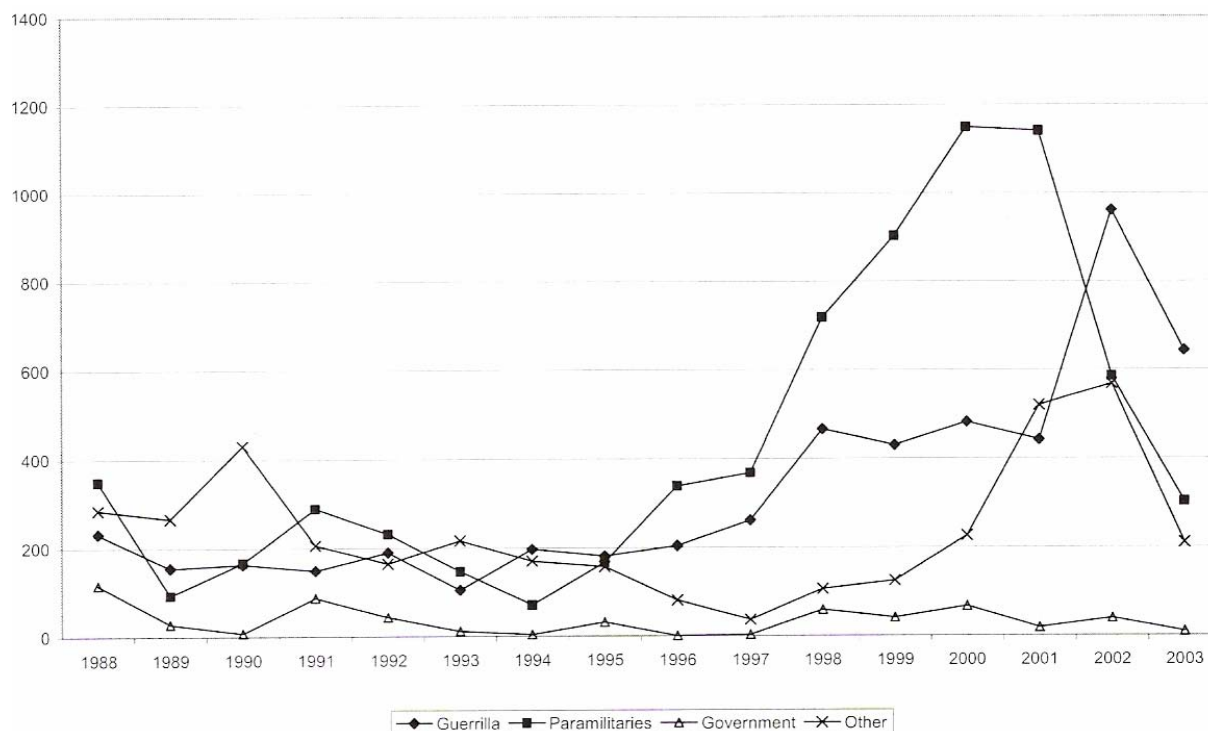
mid-1980s did the intensity in operations significantly escalate. It enters a period relative clam in the first half of the nineties and reaches unprecedented levels by 2001 before it drops sharply.

**Graph II: Guerrilla and Paramilitary activity. Measured in reported events**



Source: Restrepo et.al (2003)

The changing nature of the war being can be derived from Graph III which presents the variation of the civilian victims in the conflict. The numbers of civilian deaths correspond to the number of massacres being committed. As in the two graphs above a marked intensification is seen in the mid-nineties. From 1997 until 2002 the paramilitaries were rapidly expanding throughout Colombia, and the sharp rise in civilian deaths is the consequence of targeting local politicians and public official, as well as a means to displace large portions of the population in areas of special interest.

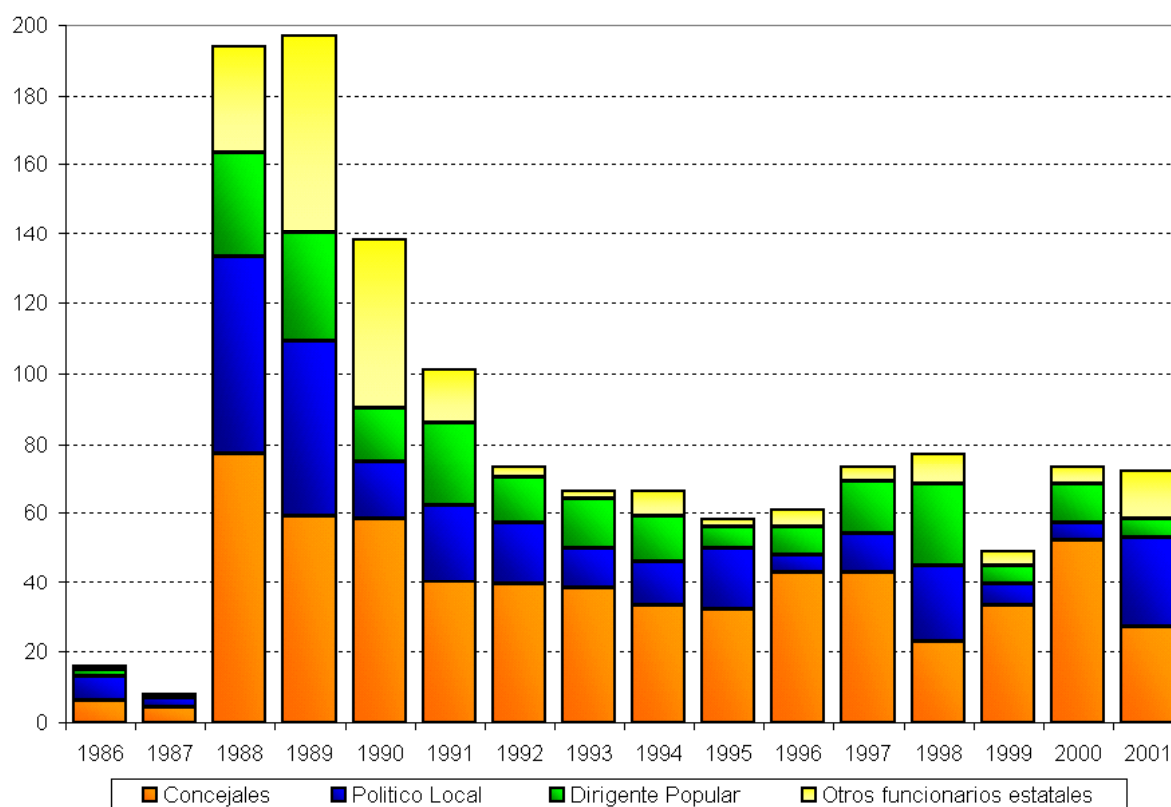
**Graph III: Civilian casualties related to the conflict 1988 - 2003**

Source: Restrepo et.al (2003)

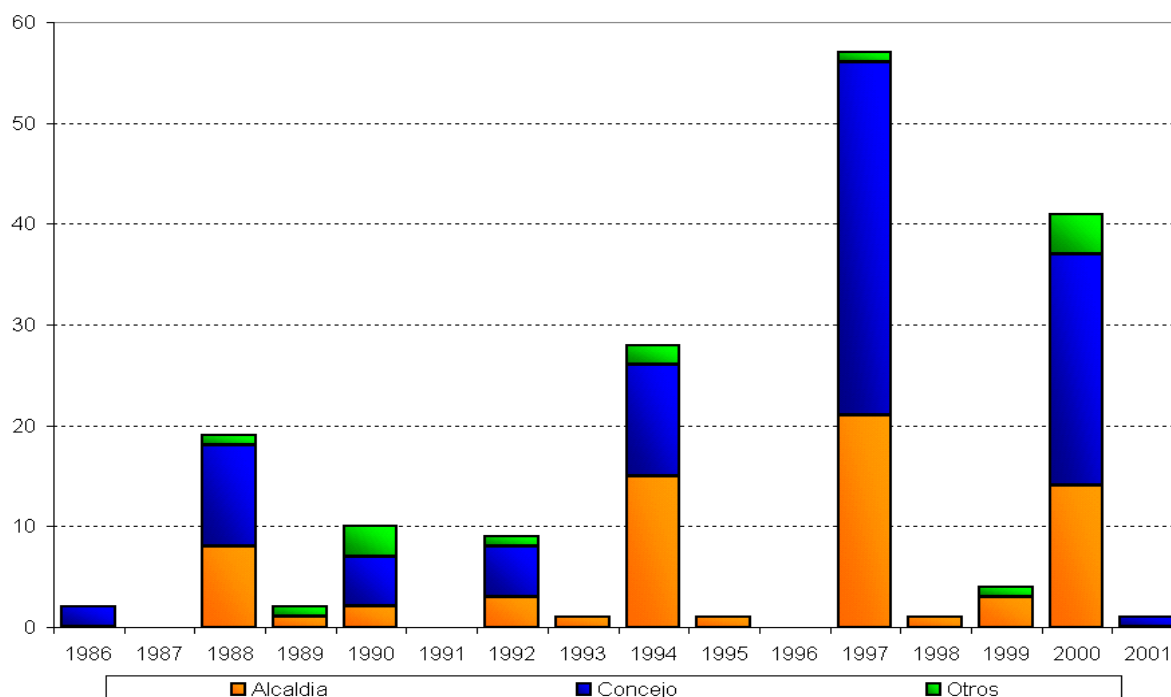
### 5.1.2 Fight for influence and fight for land; assassinations and massacres.

By further distinguishing the political violence from the common violence one can see on two specific violent expressions which are clearly related to the internal conflict; targeted assassinations of public officials and political candidates and massacres.

Assassinations of political figures and employees of public offices serve at least two purposes. By physically removing elected members of political institutions the illegal groups can gain control over these institutions. The politics of fear of which the groups have become very experienced can direct policies through intimidation. The threat of physical abuse is a powerful incentive to do as one is told.

**Graph IV Assassinations of Public officials from 1986 - 2001**

Source: Human Rights Observatory, Vice President's Office (Sánchez & Chacón 2005)

**Graph V: Assassinations of Candidates, 1986-2001**

Source: Human Rights Observatory, Vice President's Office (Sánchez & Chacón 2005)

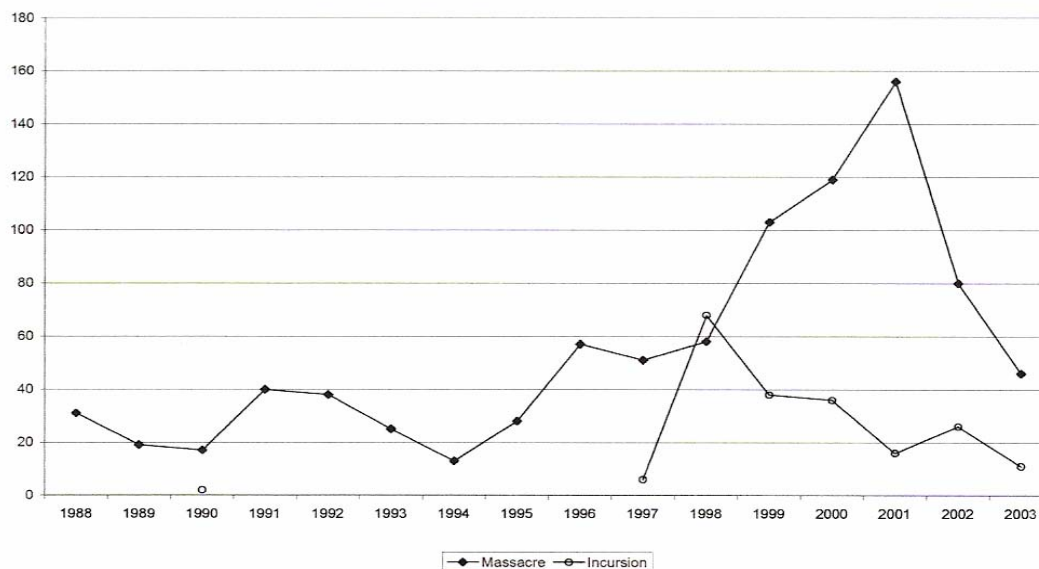


Murder of elected officials is a means to control over the institutions from the outside, while the assassinations of candidates is a means to gain control from the inside. Removing certain candidates is favourable to other candidates, whereas murder of elected officials will not affect the political composition of the institutions.

The other indicator which is tied to political violence is the rate of massacres reported. Massacres are defined as event in which more than three civilians are murdered, and are conducted to gain control over the population and the land. A reported 3 million people are displaced in Colombia, and many of them have fled due to threats and knowledge of such acts (UNHCR: 2007). In military operations these acts are conducted in a quite structural manner. The guerrillas make use of massacres as a tactic of population control in which traitors are put to 'justice' and politicians are 'convinced' to do the right decisions. The paramilitaries also target political actors, but instead of massacring the entire city council they pick people out for assassination as seen in the graphs IV and V. The massacres conducted by the paramilitaries are related to both political control and population removal. Using massacres as a strategic tool has enabled the rural elites to purchase more land for a cheaper price. In addition, the surge in massacres seen in the late 1990s is connected to the offensive operations being carried out by the AUC in which the incursions into areas formerly controlled by the guerrillas is followed with massacring portions of the population thought to have cooperated with their enemy. In graph VI we can observe that the number of massacres conducted by the paramilitaries. In the mid-nineties the number grew exponentially, and marks the beginning of a new phase in the conflict. While the assassinations of political candidates aim to control the political institutions, the massacres aim to control the territory and the population.

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**Graph VI: Massacres conducted from 1988 – 2003 by paramilitary forces\***



Source: Restrepo et. al. (2004)

\* Massacres are defined as killing four or more individuals in one act.

If we compare the level of assassination, the level of civilian casualties and the level of massacres conducted they do correlate, and makes an inference of the motivation of these acts possible.

A more detailed description of the intensity of the purely military aspect of internal conflict between 1988 until 2003 is presented in Table I which includes all reported armed exchanges between the guerrilla, paramilitary and government forces.

<b>Table I: Intensity of military engagements 1988 – 2003 in absolute numbers</b>				
<b>Year</b>	<b>Armed Forces vs. Guerrilla</b>	<b>Guerilla vs. Paramilitary</b>	<b>Armed Forces vs. Paramilitary</b>	<b>Total</b>
<b>1988</b>	200	-	-	200
<b>1989</b>	192	2	4	198
<b>1990</b>	366	2	3	371
<b>1991</b>	461	1		462
<b>1992</b>	533	1	2	536
<b>1993</b>	500	-	-	500
<b>1994</b>	468	4	-	427
<b>1995</b>	382	1	1	384
<b>1996</b>	459	3	2	464
<b>1997</b>	388	13	3	404
<b>1998</b>	328	30	6	364
<b>1999</b>	311	20	1	332
<b>2000</b>	498	61	2	561
<b>2001</b>	560	74	1	635
<b>2002</b>	768	124	4	896
<b>2003</b>	767	57	12	836

*Source:* Restrepo et.al (2004)

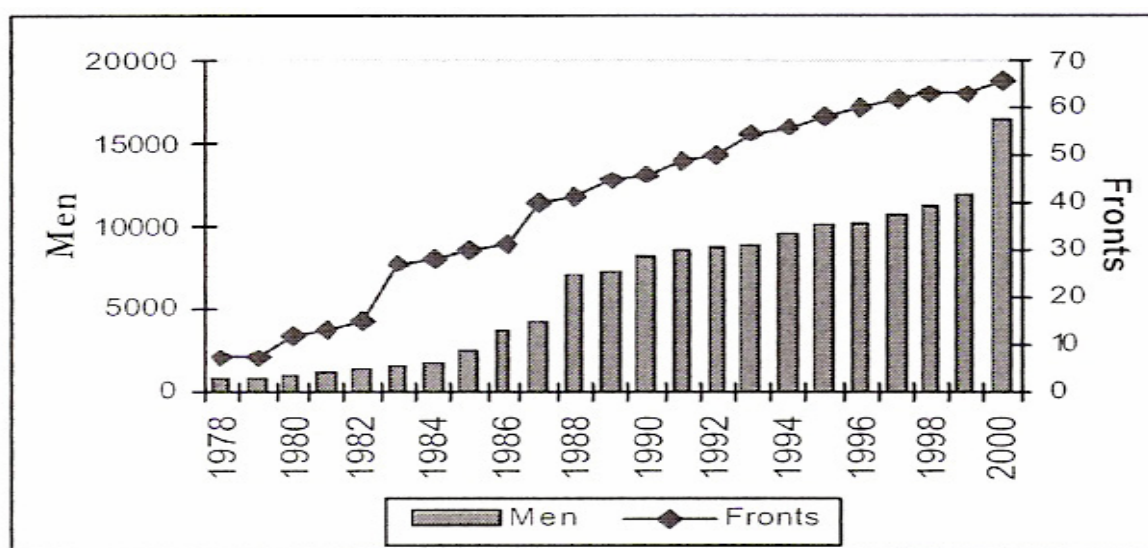
The armed clashed between the soldiers controlled by the government and the fighters by the guerrillas stand out, and with the exception of a few years of decline the intensity is continuously rising, and since 1990 clashes between the Armed forces and the guerrillas have happened on a daily basis. Paramilitaries and the guerrillas confront each other militarily for the first time in the mid-eighties and the intensity of the fighting between them is continuously increasing until 2002. In 2003 the paramilitaries had established themselves in most of Colombia's regions, and were in negotiations with the government to return to civilian life. Also worth noting is the number of clashes between the paramilitaries and the Armed Forces. The discrepancy

in the number of engagements between the Armed Forces and the paramilitaries are different than between the Armed Forces and the guerrillas. This would indicate that the relationship between the different actors is based on different terms.

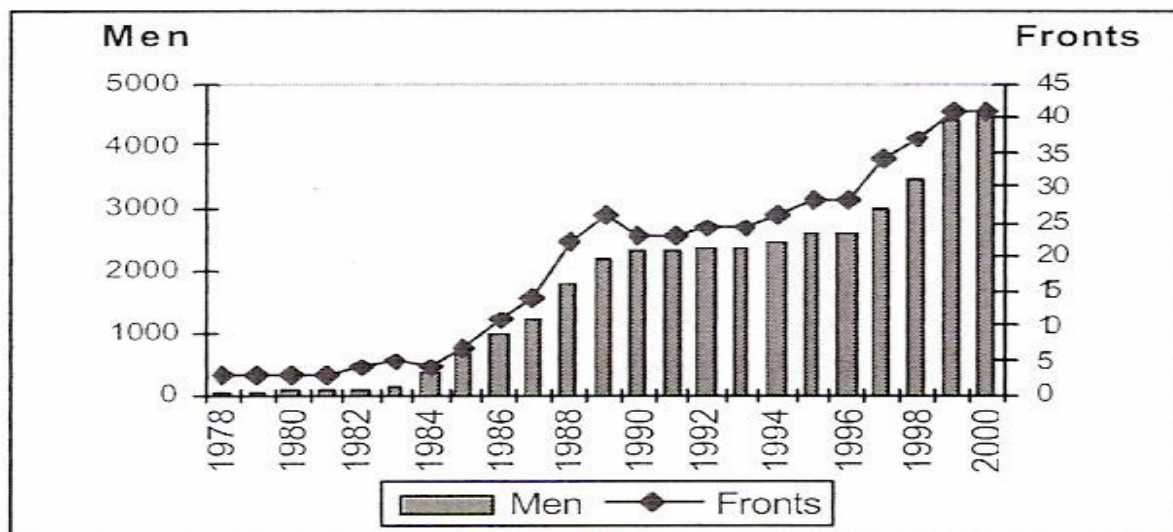
### 5.1.3 Numerical and territorial expansion of the illegal groups

Intensity of clashes must be seen in relation to the relative strength of different groups. Graph VI displays the number of attacks carried out by the different guerrilla groups. The FARC-EP and the ELN stand out as the two most active. The EPL was partially demobilised in 1991, but some members continue fighting still today. After 1991 the remaining elements of the EPL were targeted by the FARC-EP who sought to take control over the territory under their control. The intra-guerrilla war was over in a few years and the EPL was never able to re-establish itself. Many of their members became anti-insurgent fighter for the paramilitary organization AUC which gave them an opportunity to use their accumulated skills in insurgent warfare, get paid, and get revenge for the loss of their comrades by fighting the FARC-EP.

**Graph VII Numerical evolution of the FARC-EP**



Source: Departamento Nacional de Seguridad, cited in Sanchez & Chacón (2005)

**Graph VIII: Numerical evolution of the ELN**

Source: Departamento Nacional de Seguridad, cited in Sanchez & Chacón (2005)

The guerrillas were both established in the mid 1960 but not until the mid 1980s did they begin to gain strength sufficient to become a threat to the government and elites. From 1985 – 1990 the guerrillas were gaining ground in all of Colombia's regions, and this security crisis faced by the official government spurred the initiation of peace-negotiations in 1989. Neither the FARC nor the ELN participated in these talks, and neither became party to the peace-agreement. A period of adjustment is seen as the demobilized guerrillas begin their political careers, but the numerical strength is rising as the level of violence is increasing in the mid-nineties. One can also note a difference between the guerrillas as the FARC seems oblivious to the political changes resulting from the peace agreement while the ELN levels out before rising sharply by the mid-nineties.

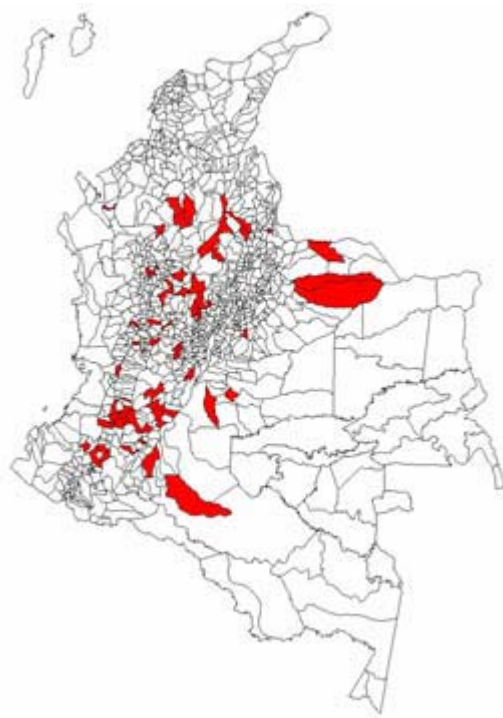
The strength of both the paramilitary forces increased markedly after the new Constitution was installed, and there are difficulties in finding data before 1997. It is known the drugs cartels had a fighting force of more than one thousand men, but for the purely self-defensive groups organized by the other rural elites the data missing. One explanation of this is that the self-defence forces did not exist, but considering the history of Colombia this is not very likely. More likely is that as in the feudal times these forces were created ad hoc, and in response external threats to the elites

which the body-guards were not able to handle by themselves. More specific data is available for the paramilitary forces controlled by the Castaño Gil brothers who were able to organize all anti-insurgent militias in Colombia under one banner, the AUC. This organization were reported to number 3 800 in 1997, 13 000 by 2003 and 31 000 by 2006 (Richani 2007). The explosive growth can be understood as inscription of new fighters, but also as incorporation of fighters belonging to the different self-defence groups scattered across the country. Too which degree the number of paramilitary fighter has been stable, and the growth is due to incorporation to the AUC, or new soldiers have joined is difficult to establish.

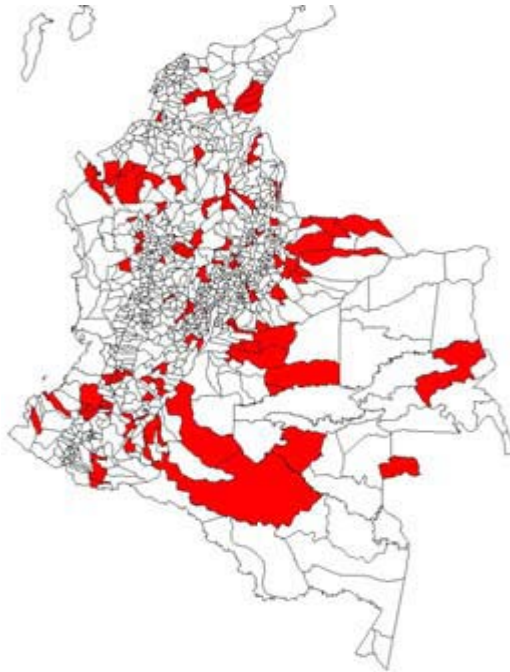
Finally, I present maps of Colombia which provides the reader with a visual display the expansion of the illegal armed groups and the severity of the conflict. I find this of great use in creating a picture on how the conflict developed, and, presupposing the institutional reforms had an effect, it can be fruitful for understanding why and how the conflict is connected to the Constitutional changes from 1991.

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**Maps 2, 3, 4: Expansion of the FARC-EP guerrilla 1985 - 2002**

Registered FARC-EP presence in 1985



Registered FARC-EP presence in 1990



Registered FARC-EP presence in 2002

Source: Fundación Social, Departamento Nacional de Planeación in Sanchez & Chacón (2005)

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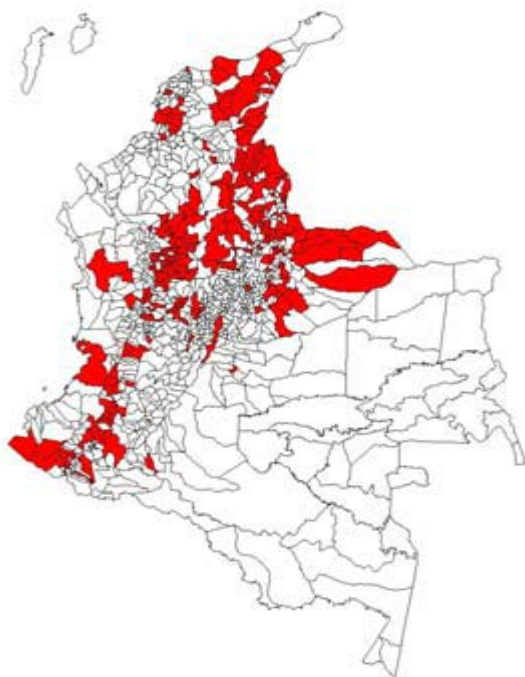
**Maps 5, 6, 7: ELN expansion from 1985 - 2002**



Registered ELN presence in 1985



Registered ELN presence in 1990



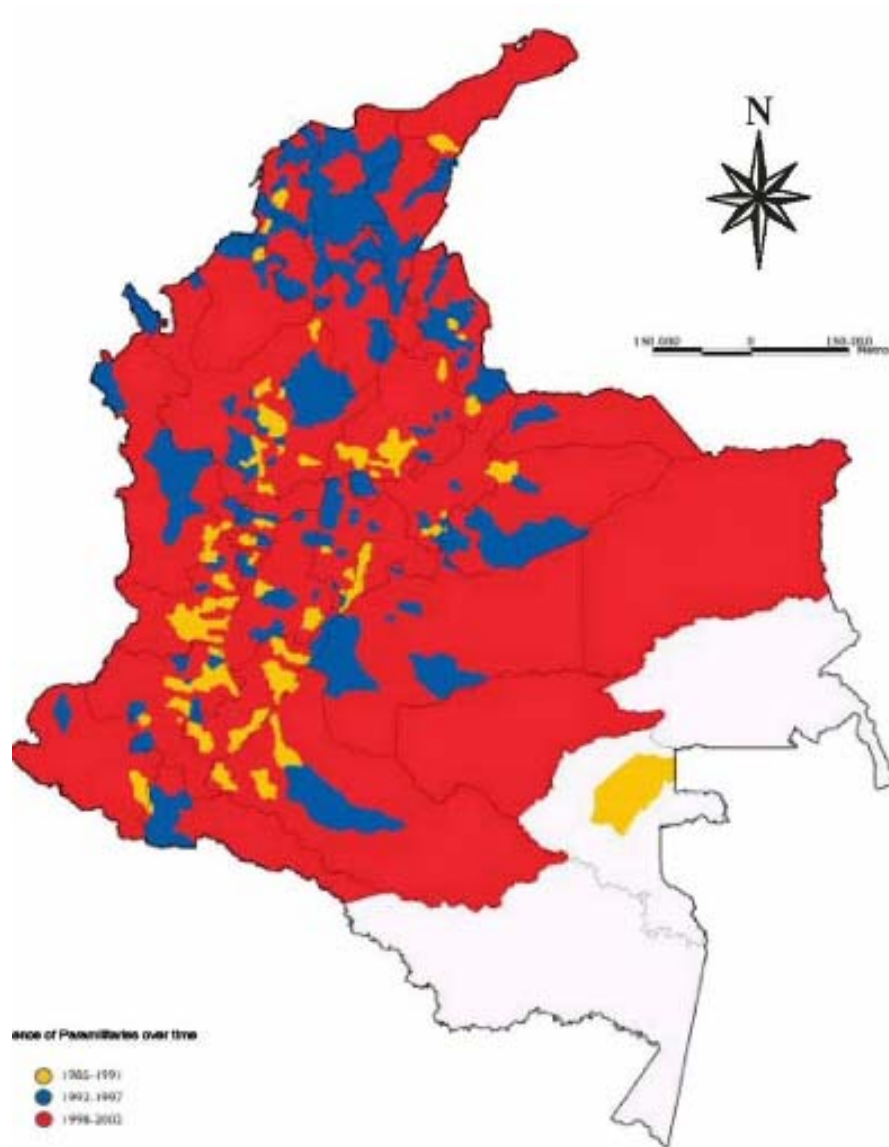
Registered ELN presence in 2002

Source: Fundación Social, Departamento Nacional de Planeación in Sanchez & Chacón (2005)

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**Map 8: Paramilitary expansion from 1985 - 2002**



Explanation: 1985 - 1991 yellow; 1992 – 1997 blue; 1998 – 2002 red  
Source: Centre for International policies (2004)

## 5.2. Fostering stability through Grand Coalitions

Grand Coalitions is considered the most important feature of the consociational democracy, and is the dimension most easily recognisable. It entails both a restrictive element in its mandatory inclusive aspects and a behavioural one which results from practical cooperation (Lijphart 1977). Inclusiveness was in Colombia secured by the agreement to follow a principle of parity. The Liberals and the Conservatives were forced by law to work together for a period of sixteen years in the executive; sharing all power between them equally in all political and administrative institutions for twelve years. The consociational agreement National Front was negotiated and signed by the two national party elites who also constituted members of the traditional elites in Colombia. The political and characteristic differences between them were minimal, but the violent history had made relations sour (Hartlyn 1993). The principle of parity in all institutions was deemed detrimental for the success of the National Front. In a society where distribution of goods depended on patron-client relationships political and administrative exclusion was a very real threat for their continued existence. The elites depended on access to resources and influence in public offices, and the clientele depended on the patron who distributed the resources allocated. Political exclusion meant administrative exclusion, which effectively cut off the access to public resources. Consequently social unrest flared when the hands of power changed, and all employees in the administrative institutions were removed. This was especially evident in the rural areas in which the scarce public resources were crucial for lives of the constituents.

### 5.2.1 The consociational puzzle: Exclusive inclusiveness

The war between the elites ended with the agreement to form the consociational National Front; in effect a bipartisan hegemony which excluded all other political forces not aligned to either party. Negotiated and signed in exile, the traditional elites committed to a text which shared the power equally between the two parties. For the referendum which made the bill into law 72% of the electorate showed up, and 96% were in favour of it. This was the first election where women were allowed to participate the electoral turnout had never before been as high both in relative and

absolute numbers (Instituto de Ciencia Políticas 2005). After the initial euphoria the tensions were raised. The traditional elites were highly successful in their cooperation and practically merged into one elite. Frictions were diverted to the relationship between these two traditional elites and the new rural elites who had been established in the late 1930s. Elements of the political forces outside of the parties materialized into guerrilla forces who opposed both of these groups of elites. The Grand Coalitions did initially have the intended effect of stabilising relations between the two traditional parties, and the violence in rural areas of Colombia was significantly reduced. In terms of intensity of the conflict, the civil war, as defined by Collier and Hoeffler (2001), ended. However, the violence did not disappear altogether and in areas in which neither party elite was in control the communities were still being attacked by elites who controlled the communities in the near proximity. Hence, only six years into the agreement the first guerrillas were established. As the patron had created small private armies to protect themselves from neighbouring threats, these patron-less communities established their own self-defence militias. It is important to note that the conflict followed a new dynamic. From elites fighting each-other, the elites were now targeting the communities who did not have political representation. Cosociational democracies are defined by elite-cooperation in which all relevant elites are included. Segments that are not aligned to any of the elites are by definition excluded.

The cosociational regime was in statistical terms a success as seen in Graph I, but within the arrangement the frictions between the elites were growing and the elements within both parties expressed opposition to how the cosociational regime was organised. Table II show the level of dissent increasing every year until 1974, and the tensions were aligned to the traditional and rural elites within each camp. By being organized in the old party system these elites; Liberal and Conservative, Traditional and Rural were all included, while programmatic or ideological political alternatives were co-opted or excluded. As the years went, the rural elites grew relatively stronger, and through alliances with people from the party apparatus they

became a real challenge to the national elites. The power structures that had existed in Colombian society changed during the La Violencia and the National Front as the rural elites had taken over the clientele of the traditional elites. Whereas the national elites were striving to provide services through democratic institutions, the interest of the rural elites was to use the state resources to reinforce the networks of dependence; not engaging in national programmatic politics which did not have immediate positive consequences for their position in the community (Archer 1990). Even though the national and rural elites had diverging interests, they also depended on each-other. In presidential and senatorial elections the national elites depended on the electoral base controlled by constellations of local patrons, while the rural elites depended on the national elites for their access to the public resources.

**Table II : Support and dissent within the participating elites 1958 - 1978**

<b>President</b>	<b>Periode</b>	<b>Support %</b>	<b>Dissenters %</b>	<b>Support %</b>
Alberto Lleras Camargo	1958 – 1962 Liberal	Liberal: 38 Conservative:24	Liberal 12 Conservative:25	62
Guillermo León Valencia	1962 – 1966 Conservative	Liberal: 32 Conservative:35	Liberal 17 Conservative 14	67
Carlos Lleras Restrepo	1966 – 1970 Liberal	Liberal: 38 Conservative:24	Liberal 8 Conservative 10 Other: 18**	62
Misael Pastrana Borrero	1970 – 1974 Conservative	Liberal: 27 Conservative:14	Liberal 9 Conservative 15 Other 33**	41
Alfonso Lopez Michelsen	1974 – 1978 Liberal	Liberal: 57 Conservative:33	Liberal Conservative Other 7**	90

*Source:* Hartlyn (1981); cited in Panchón (2006)

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\*Upon seizing office the congressional support for the first Lleras government was 82 percent but rapidly dropped to 62%. \*\* In these elections the other category are two fractions within the traditional parties; Lopez Michelesen's MRL and the Conservative ANAPO of General Rojas.

The reforms of 1968 were central to this development, in which the traditional elites were secured representation and influence through participation in government while the rural elites were left with control of congress. The reform of 1968 was to define Colombian politics until 1991 with regards to grand coalitions by guaranteeing inclusion in the executive for the second largest party in Congress. In a two party-system this naturally secured a continuance of the grand coalitions after the principle of parity was faded out. So regardless of who won the election both traditional elites would participate in government. Congress was secured a pass-way into government finances by funnelling centrally funded projects through the representatives of the rural elites (Hartlyn 1993). In addition the powers to politically determine appointments in strategic administrative posts were obtained by the members of congress, and these were consequently able to influence how central policies were effectuated. The apparent inclusiveness did not apply to the political forces outside of the two parties. In other words the political system excluded the portion of the electorate who did not belong to a defined clientele.

The practical unanimous support in the national plebiscite in 1957 for the cosociational arrangement soon faded, and gave way to two different kinds of opposition within the parties. One fraction within the arrangement who sought to change the content of the coalitions, and one fraction which discarded the coalitional rule all together. In table II the latter is defined as the 'other'. The 1970 elections highlighted the tensions and in the presidential elections the cosociational alternative almost lost to former Gen. Rojas who sought an end to the cosociational regime that had ousted him from power. Rojas found widespread support, but ironically the dissenters were composed just like the National Front. The opposition consisted of a coalition with elements from within the official Conservative Party, the official Liberal party and the Movimiento Revolucionario Liberal (MRL) in addition to Rojas' Conservative fraction, ANAPO. The electoral defeat was widely seen as fraudulent, and became another evidence for the misuse of political power which

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excluded most of the Colombian people from real political representation and influence (Boudon 2001). As a direct result of the elections on April 19th 1970, the guerrilla Movimiento 19 de Abril (M-19) was founded.

The leader of one of the dissenting fractions, the MRL, and member of the traditional elite, Alfonso Lopez Michelsen, was to become the next Liberal president. His father, Alfonso Lopez Pumarejo, had been the Liberal president before the civil war. Lopez Michelsen restored support in Congress through his coalitional politics which recognized and included the rural elites. Politically his government was only opposed by the ANAPO fraction of the Conservative movement, but the consociational regime was by now increasingly contested by elements outside of the legal political institutions. With the co-optation and later dissolution of the MRL the socialist sector of the electorate found themselves without any political representation. Socialist sectors of the electorate were not to be coherently represented in Congress until 1991.

During the presidency of Lopez Michelsen an acceptable balance of power between the national and rural elites was reached. The internal divisions were by now so strong that little could hold the rural elites within the original party organisations, and the compromise that was reached gave the multiple fractions were given complete autonomy from the official party line. In effect every single member of Congress would from this point on only be responsible to his or her own electorate (Gutierrez 2007). Continued attachment to the parties made political handling easier for the rural elites, while the traditional elites continued to be the only national figures who could find sufficient support in a national electorate. This highly favoured the rural elites who wished for as little central control as possible, and as much control over their electorate as possible. Thus, the new cleavages between traditional and rural elites were temporarily over-come by a mutually beneficial arrangement, and bipartisan politics was allowed to continue but on new premises. The new system became vital in sustaining the clientelistic tradition which still is the base of all Colombian politics. This feature is still prevalent today, and members of Congress claimed during interviews that 90% of their colleges were elected due to

such clientilistic networks. The new power-sharing regime installed during Lopez Michelsen's term thus changed from being between the Liberal and Conservative elites to becoming between the national and rural elites. However, the agreement continued to, or arguable reinforced the exclusive elements with the regime, and during his tenure several new guerrillas were formed; the armed anti-systemic opposition multiplied and gained momentum.

### 5.2.2 End of a cooperative era?

Some authors claim that the consociational system in Colombia ended in 1974 (Gutierrez 2007i), but if this system is measured in the characteristic of elite cooperation in government, the coalitional rule continued until 1986. By giving this characteristic sufficient importance it would be plausible to claim an implicit consociational regime replaced the explicit consociational regime. Despite the internal fragmentation in the parties the sectors within both worked together uninterruptedly. The variances of the governments were largely defined with regards to the rural and national division, but as these cross-cut both parties the Liberal/Conservative coalition was continued. The Liberal party had the congressional majority from 1974 – 1991, but holding the congressional majority did not mean that they had control over congress. The interest of the representative often cross-cut with those for their political adversaries, and the political cleavages between the two traditional parties were difficult to identify. The Conservatives fared much better in presidential elections. Liberal dominance in Congress was fragile and increasingly dominated by the rural elite, making Liberal presidents dependent on negotiation with their own party members to pass legislation. As fragmentation increased the more difficult to find stable support, and all political forces that were not organized under the traditional parties' labels were still effectively excluded (Roll 2005:31).

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**Table III: Composition of the executive cabinet 1991 - 2006**

Year	President	Composition cabinet %
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		<b>Initial/ Mid-term</b>
1978 – 1982	Turbay Ayala Liberal	Liberal: 56 / 46 Conservative: 38 / 46 Military 8 / 8
1982 – 1986	Belisario Betancur Cuartas Conservative	Liberal 54 / 39 Conservative: 38 / 43 Military: 8 / 8
1986 – 1990	Virgilio Barco vargas Liberal	Liberal: 85 / 77 Military: 15 / 23
1990 – 1991*	Cesar Gaviria Liberal	

*Source:* Cardénas et.al. (2006)

\*The first year of his term was marked by the efforts to convoke the constituent assembly and to write a new constitution. As a part of this process the elected Congress of 1990 were to be dissolved and a new one elected in 1991. It is therefore difficult to assert the level of support for his executive coalition as he governed under emergency power the whole period, and unconstitutionally bypassed Congress in order to reform the Constitution

In Table III the composition of the following cabinets are presented. In the Liberal Turbay government 5 members chosen from and by the Conservative party were included. Turbay was one of the so-called professional politicians that had worked his way up in the party system as a functionary, and positioned himself as the primary representative for the rural elites. In the 1982 elections the Liberal party was split between the official part led by Turbay's rural fraction, and a fraction called Nuevo Liberalismo which was led by Galán. After winning the elections President Betancur made the unprecedented step of using his mandated power to himself select his members of cabinet. He included an equal share of Conservatives and Liberals, but chose to include members exclusively from the Nuevo Liberalism. This choice indirectly ended the coalitional governments in Colombia, because when President Virgilio Barco Vargas who belonged to the official Liberal party i.e. not the Nuevo Liberalismo, entered office in 1986 he chose to copy the practise of his predecessor. But instead of offering half the ministerial posts to the Conservative party, he



appointed only three. As a result the Conservatives declined; both on the basis not being sufficiently inclusive but also for not being able to themselves select the members from within their own party (Guarín 2005).

The first non-coalitional government since 1948 came into being as the internal conflict took proportions of a civil war. The guerrillas began their expansion in the first half of the 1980s, and exploded onto the scene in the last half of the eighties. From being self-defence groups restricted to certain territories of colonized land, they expanded into the tightly elite controlled domesticated fertile areas of Colombia. As seen in graphs II, VII and VIII the guerrillas grew in numbers and became markedly more active. In maps 2, 3 and 4, 5 we can observe the explosive expansion of the guerrillas in this same period. Whether it was the split between the elites, or the guerrillas' increasing support is difficult to determine but both factors is likely to have influence the developments.

As the dissent has been as long-lasting feature, so has the level of support for the governmental regimes. The support for the government is with the exception of the Barco government a quite stable, and very high. All fractions of the political parties have at one point participated and dissented and the balance of power has shifted internally, but together the political representatives for the traditional and rural elites have been remarkably stable.

In Table IV one can read the official political support for the socialist candidates for presidential elections from 1974 – 1990. Compared to the expansion of the guerrillas the low stable support highlights the exclusive nature of the political system in place. From 1945 until 1986 these two parties received an average of 97.3 percent of the total vote (Dix 1990). It is important to differentiate between the political and armed left, but until 1990 the political left was virtually non-existent, and according to consociational theory exclusiveness facilitates conflict. The hegemony of the two traditional parties is remarkably stable. As such the augmentation of the conflict is very well predicted by consociational theory.

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**Table IV: Percentage of votes for leftist candidates 1974 – 2002**

1974	1978	1982	1986	1990	1994	1998	2002
2.6	2.6	1.2	4.6	12.9	3.8	0.2	6.4

*Source:* Observatorio Legislativo del Instituto de Ciencia Política Boletín No. 36

Several analysts point to examples such as Gaitan, Lopez Michelsen, and Rojas to find exceptions to the dominance, but even though presented as independent these parties originated within the Liberal and Conservative party respectively and returned to the official party shortly after the break. This is also confirmed by the fact that from 1970 to 1990 Colombia scored a 2.1 on the Laakso and Taagepera's formula for determining effective parties scale (Boudon 2000). In spite of significant social changes such as urbanization, the political co-operation between the different elites has been extremely stable. In sum, all attempts to present political alternatives failed, and in the 40 year period the two traditional parties were the only political alternatives. The political 'left' was co-opted in the various internal fractions of the traditional parties, excluded by the rules of the game and exterminated in some few cases in which they managed to capture a sufficient portion of the electorate. The last of which was evident in the elections of 1986 when the Unión Patriótica suffered extensive repression which led to the murders of more than 3000 of their leaders, members and suspected supporters. The party received no more than 4.6 percent of the vote in these elections, and have not reached such levels of support ever since (Shugart 1992). In Graph II we can observe that the failed attempt by the guerrilla to enter legal politics was followed by a dramatic increase in activities. The massacre of the UP confirmed their conviction that the only viable solution to Colombia's problems went through military victory. The exclusive elite-hegemony had once again proven that when threatened by alternative political forces, they remained in power due to fraud or through annihilation of the contenders. This perspective also supports the theory presented by Lijphart. The presidency of Barco was as such doubly exclusive, both for the elites and also by the continuation of excluding the political leftist forces. The socialist or other dissenting sectors of society were in this period

from 1986 - 1990 turning to arms at increasing pace as seen in graphs VII and VIII. Consisting of all political colours the guerrillas were made up of everything from peasants to priests. The exponential growth of the guerrillas was a problem both for the national and rural elites, as the state was approximating the brink of collapse. The elites most affected by the expansion were the rural- and the new drugs-elites who had significantly increased their presence in rural Colombia since the beginning of the 1980s. These elites joined forces in the mid 1980s, and gave birth to the modern paramilitary forces in Colombia consisting of traditional self-defence groups and professional assassins who were part of the criminal networks of the drug-elites. The anti-military legacy in Colombia had given the central state little leverage on the use of force, and the Armed Forces were not capable to confront the guerrilla expansion. As before the National Front the rural elites had to rely on their own private armies, the paramilitary forces, to provide protection, and the drugs elite provided them with both money and expertise.

### **5.2.3 Changing all so all can stay the same**

With the Constitution of 1991 the two-party dominance was to be broken. Adversarial politics intended to break the tradition of elite cooperation in grand coalitions. The process of opening up the democratic space did not begin in 1991, but this last reform was to have unprecedented consequences for the traditional parties. Much criticism of the coalitional rule in Colombia has been articulated as a democratic deficit in which the majority of the population is not represented at all. This group is commonly identified as those who cast blank votes and those who abstain from voting (Dix 1990). According to the democratic types identified by Lijphart the system which had been consociational democracy had turned into a depoliticized democracy (Bogaard 2000). The consociational precepts of ruling in grand coalition had in effect excluded oppositional forces and installed a political hegemony established and composed by the local, regional and national elites.

The transformation from an exclusive political system to a system which recognized the right to be in opposition was central to the changes in the 1991 reforms. The

Consociational regime had developed into a system in which the electorate had to choose from political alternatives which were all similar and were all controlled by the elites. By presenting several clearly different political alternatives, the electoral turnout was expected to augment. The guerrillas did not only struggle for social change, but also for the right to represent and be represented. Social change was only conceivable if the promoters of this i.e. the guerrilla were represented in legislative bodies. An adversarial system encouraging governmental opposition was a return to the pre-consociational conditions which had enabled the civil war, but now introduced in a new context. The divisions in society were no inter-elite; rather anti-elite and intra-elite.

To ensure the effective change of the political system several measures were introduced in the new Constitution which would break the dominance of the traditional parties. Several legal restrictions on the establishment of political parties and movements were removed, and the constitution also removed restrictions on the eligibility of the representatives to participate in elections (Titulo IV, Chapter II). To ease the entry of new political actors the constitution prescribed new rules for facilitating electoral participation such as equal access to national media, support to finance electoral campaigns etc (Art. 109). The document prescribed mechanisms for active citizen participation such as; the right to be consulted, the right to present legislative initiatives, and encouraged active involvement in all decision-making bodies (Titulo IV, Chapter I). New third forces were not only encouraged to enter into politics in the new Constitution, but were also guaranteed the right to be in opposition and openly criticize the government. Political parties and movements that did not participate in government were given the right to criticise and propose diverging legislation (Titulo IV, Chapter III). Moreover the political opposition has the right access all relevant information from the state, and have the right to participate at decisional level in collegial bodies according to their proportional representation in these.

Table V presents the post reform president and the composition of the post- reform cabinets. Evidently the coalitional rule did come to an end and the composition of the

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executive cabinet has been largely unchanged. Somewhat ironic, the principle opponents to the executive coalitions entered the coalitional government in 1992. The leader of the ADM-19, Antonio Navarro Wolff, subsequently entered the executive cabinet, and once again the political left was seen as co-opted by the traditional parties. They remained in government the rest of the presidential period, and suffered an electoral defeat in the following elections. The Liberal government of Samper nevertheless offered the ADM-19 seats in government, but the party refrained from participating due to the moral dilemma of participation in a government rife with scandals due to irregularities in the funding of the presidential campaign. Politically the ADM-19 was diverse and aimed to create a mass political party which should capture a wide electorate from both of the traditional parties. During the years in power the conflict neo-liberal reforms were effectuated and leaving many ADM-19 supporters disillusioned, security in the face of a criminal wave became worse, and the material redistribution was still being awaited. The violence continued to escalate and spread after a short lull in the first year of the new political system. The ‘other’ represented in the Samper and Pastrana governments did not pertain to any of the parties composing the democratic left.

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**Table V: Composition of the executive cabinet 1991 – 2006\***

Year	President	Composition cabinet %
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		<b>Initial/ Mid-term</b>
1990 – 1994	Cesar Gaviria Liberal	Liberal: 53 / 65 Conservative: 23 / 23 Military 15 / 14 Other: / 8
1994 – 1998	Ernesto Samper Liberal	Liberal 74 / 73 Conservative: 27 / 20 Other: 8 /
1998 – 2002	Andrés Pastrana Conservative	Liberal: 38 / 31 Conservative 52 / 50 Military 13 / 13 Other / 6
2002 - 2006	Alvaro Uribe Velez Transtional**	Liberal: 85 / 85 Conservative 15 / 8 Military: / 8

*Source:* Cardéñas et.al. (2006)

\* Discrepancies in the data are due changes in the composition over time.

\*\* The concept of transitional parties will be discussed below

In Table V the government of Uribe beginning in 2002 stands out as a less inclusive government, and close to all members of cabinet comes from the Liberal party. However, Uribe did not run for office as the Liberal candidate, and the official Liberal party ended up as the opposition in Congress together with the leftist fractions. The Liberals identified in the data set consist predominantly of so-called transitional parties which had broken out from the official party, and who had merged with break-out fractions from the Conservative party. The executive cabinet still consisted of all these elites and their respective political party labels, and the coalition is much more diverse than presented in this simplified data.

The consociational executive ‘grand coalitions’ are, thus, still a part of Colombian politics, even though the traditional two-party system vanished as a

consequence of the constitution. Internal fractions became increasingly externalised. A significant change of organizational behaviour was seen in 1998 when the proliferation of parties left the official traditional parties in congressional minority. In 2002 the Congress had changes from being controlled exclusively by two parties to being controlled by more than 40 different political fractions who were formally independent of the former electoral giants. After the political parties multiplied in the last half of the 1990 difficulties arose as to how to label these. Several authors call to all new parties as third parties, and as such the third parties were by 2002 in control of both congress and the executive. Others are more apprehensive and divide the political parties in four groups; the Liberals, Conservative, Transitional and Independent. The last consist of the democratic left and some minor Christian democratic parties. The so-called transitional parties consist of break-out groups from the traditional parties, but do not represent anything substantially new meaning the internal division in the traditional parties was transformed into the transitional parties and the traditional parties. The 'new' kind of coalitions between the transitional and the traditional parties are implicit, not explicitly institutionalised as they were before 1991. In the new Constitution the decision from 1968 of giving the largest party not aligned to the president's party equitable representation in government was overturned, but the practice continued. As in the previous political system the political left is still excluded, and as in the previous system the only way the political left have been in position of influence have been in cooperation with the elites. The consociational dimension of grand coalitions has thus continued, and the political left have been either co-opted or excluded from governmental positions.

#### **5.2.4 Implications for consociational theory**

Cosociational theory presents a political system which is designed to induce political stability, and in extension prevent conflicts. The defining and also most easily recognisable characteristic of such a regime is the grand coalitions in which all important sectors of society are to be included according to the proportional size and represented by their respective elites. As such the political system in Colombia is still consociational, and even though the grand coalition was reintroduced in 1991, the

conflict continued. Political stability has not been forthcoming in the sense that the same actors included in the original arrangement are still dominant in the current arrangement. The dimension of the coalitional governments does not explain the variance in the political violence in Colombia. Supporting the theory on social stability and power – sharing can be found with the marked increase in violence as the Barco government is in power. However, the violence does not seem to be affected by the reintroduction of the grand coalitions in the early – to mid 1990s when the violence again is on the rise as seen in Graphs I, II, and III. The relative calm experience initially can be explained in terms of having a coalition which included the democratic left for the first time in Colombian history, and as such is a true grand coalition. The data is not conclusive with regards to relationship between social stability and grand coalitions. One possible reason for this is that the true contenders to the political elites in Colombia have never been included in any government. This in effect has some consequences for the consociational nature of the arrangement altogether.

### 5.3 Proportional representation

The consociational dimension of proportionality’ refers to the balance between size of the sub-groups in society and effective participation in the political institutions (Lijphart 1977). Proportionality is not a well defined measure, has many aspects and can apply to several institutions. For Lijphart this dimension predominantly concerns the ‘method of allocating civil service appointments and scarce resources’ (Ibid: 51). Representation in proportion to community strength in ‘decision-making organs’ is perceived as less important as such representation does not guarantee minority interests. In this section of the discussion I will focus only on proportionality in legislative institutions in Colombia. Unlike most modern states, Colombia does not have an independent public administration. Consequently representation in legislative bodies is equal to representation in public administration and political institutions are vital to the distribution of the scarce resources. The clientelist linkages produced and reproduced over time has made the public offices a political market, and the interest



groups have since long dominated all public institutions ranging from security, judicial to social and health.

For Lijphart the proportionality in political institutions is defined by the propositional composition of represented subcultures. Ethnic, religious, and other definable groups should be represented by their elites in the political institutions proportional of their numerical size in society (Andeweg 2000). Less focus is given on how representative these representatives of these subcultures are. Do they consist of the ‘natural’ leaders in the community? Are they representing the different economic and social realities within the communities? In a social context in which the patron-client relationships have been cemented the linkage established between state and citizens is affected by strong local actors. The divisions in society in Colombia are today defined regionally and locally rather than ideologically and the members in Congress each represent a very restricted local electorate which is understood as the different sub-units of the different groups found in society.

### **5.3.1 Proportional representation and strong political institutions**

The two traditional parties have since the consociational National Front had been weakened as divisive symbols and identification with political parties have been significantly reduced (Dix 1980). The representative is today elected in his or her region with the help of local elites who have strong ties with the surrounding population. After the reforms of 1968 this aspect has been strengthened continuously. As such the different subgroups of rural elites have become increasingly autonomous from the national elites. The reform of 1991 intended to make the political institutions more proportionally representative, but successful results are still in coming and the political violence was not reduced.

Table VI show the composition of Congress from 1958 until 2006, and one can clearly observe that the two traditional parties have suffered in elections since 1998. This does however not necessarily mean that the totality of elites have been losing

political power. But something did happen after the Constitution of 1991 was introduced which changed the political landscape.

**Table VI: Political composition of Congress 1958 – 2006**

Year	Liberal		Conservative		Other	
	Senate	House	Senate	House		
1958*	50.00	50.00	50.00	50.00	-	-
1974	58.92	56.78	33.03	33.16	8.00	10.00
1978	55.35	55.77	43.75	41.70	1.00	5.00
1982	55.26	57.78	42.98	41.20	2.00	1.00
1986	56.14	52.76	37.71	40.20	6.00	7.00
1990	57.89	59.79	34.21	32.36	8.00	8.00
1991	56.00	54.03	24.00	26.08	20.00	20.00
1994	56.00	54.65	29.00	30.43	15.00	15.00
1998	48.00	54.03	25.00	23.60	27.00	22.00
2002	29.00	33.10	19.00	12.60	58.00	54.21
2006						

Source: Registraduría Nacional del Estado Civil and Gutierrez (1998) in Roll (2005)

\*Number corresponds to the new assembly elected after the inauguration of the new constitution.

The perceived deficit in proportionality in political representation was a major concern to the authors in the NCA, who were certain that alternative political actors would successfully contest the political hegemony of the traditional parties if able to freely present their political alternatives. The reform of 1991 included mechanisms which intended to reduce the clientelist bonds found in contemporary politics and make the political parties programmatic. The reformed Congress was to ensure a larger degree of proportionality and its mandate was increased to have a significant impact on national politics which should result in greater legitimacy for this democratic institution (Revista FORO 1991).

The reforms of 1991 reflected the need to increase the proportional and inclusive nature of the system by guarantees for minority representation. The previously excluded indigenous minorities were given guarantees of political inclusion in the Senate, and electoral districts were redefined to create more representative electorates which would impede the effectiveness of clientelistic networks. Changes regarding the financial liberty of the members of Congress were introduced leading to a reduction in strategic resources available for the individual members to redistribute within their own limited electorate. In the Senate an electoral reform in favour of national interest over local special interest was introduced by making Colombia into one national district. To obtain enough votes the candidates could not rely only on one region or part of region; rather need to target their campaign on a national electorate (Nielson & Shugart 1999).

Several measures were taken to reinforce the legislative, and several incentives to foster a more coherent national policy were made. The congress became divided in seven specialized committees, thus encouraging professionalism. Selection for membership in the committees is done by appointment within each party, and determined by elections within the entire legislature, thus favouring party cohesion. The role of congress was to be socially pro-active, representative and responsive to the national electorate. Previously reactive to the initiatives from the executive the congress had not been involved in matters of national ramifications. In addition to strengthening this role, its mandate to supervise and control the president's use of emergency powers was greatly enhanced. The time allocated to legislative decision-making in Congress was doubled, and the number of representatives reduced. The new political system gave the representatives in the national assembly an increased role in national politics, and its representatives were made increasingly responsible for their use of power (referanse).

### **5.3.2 Fragmented to cohesion; stable elites and re-marginalised opposition**

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Representative democracy can be organized in many different ways, and the proportionality of the system indicates how representative the political system is. The two-party system in Colombia represented all elites from all regions in the country, and gave opportunities for the different elites to allocate resources to the local communities. The effect on the electoral system was that the rural interests were highly overrepresented when compared to the size of the electorate, but this overrepresentation could be perceived as unproblematic due to the special developmental needs of this part of the population. Most states do skew the representation in favour of the regions (Nielson & Shugart 1999).

The formula for converting seat into votes in Congress have been the Largest Remainder Hare system (LR Hare); a highly proportional system which allows for a very small number of voters to elect a representative. Lijphart holds the Hare system as the most proportional of all systems for vote conversion (Lijphart 1986). However, in Colombia this system had become somewhat perverted by the political actors. The formula intends to disperse the vote as much as possible to be able to capture all sectors in society which in return are represented in the political institutions. When Lopez Michelsen entered the presidential palace in 1974 the two traditional parties were beginning to disintegrate. Local and regional political leaders themselves presented their own party lists before elections. The effect was the parties were presenting numerous different and competing lists, which as we will see favoured the patron-client structure for the elites. The electoral tactic called 'Opercaion avispa', whose translation is a 'swarm of wasps', enabled the local electoral barons to transform the proportionality of the system. The electoral tactic is not entirely rational for the political parties as a whole as the total number of seats in Congress can be reduced as a consequence. For the individual political actors using the tactic on the other hand it is rational in the sense that it increases the autonomy of each elected member of Congress. Even though it was the former president who introduced the tactic, he had no interest in doing so as he belonged to the traditional and national elite whereas the benefactors of this tactic were the regional and local elites. As such the electoral tactic was forced on the traditional party leadership, and the fragmentation of the traditional parties accelerated as a consequence .

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In the Colombian context the LR Hare resembled more the Single Non- Transferable Vote which is regarded as much less representative (Nielson & Shugart 1999). Table displays the number of list presented for House and Senate elections, and in observing the data there has been a constant proliferation of the number of lists. An exception is seen in 1991 from which we can infer that the elites were still adjusting to the new system.

<b>Table VII : Number of lists presented for elections</b>		
<b>Year</b>	<b>Senate</b>	<b>House of representatives</b>
1970	206	316
1974	176	253
1978	210	308
1982	225	343
1986	202	330
1990	213	351
1991	143	486
1994	251	628
1998	319	692
2002*	321	906

*Source:* Pizarro 2002: La Atomización Partidista en Colombia: el Fenómeno de las Micro-empresas Electorales

\* *Source:* Cardenas et al 2004

The LR-Hare formula was not among the topics discussed by the NCA. Explained to me in an interview with a member of the PDA the authors wanted to make it more proportional not less, so why change the most proportional electoral formula which exists? By presenting multiple competing party lists within one party, the number of voters per representative needed to secure a seat was reduced, giving the local and regional elites with limited electoral bases the opportunity to secure enough votes to get their representatives elected. As a result of this electoral system 60% of the total vote went to lists who did not obtain the sufficient number of votes to be represented in the national legislative bodies (Rodriguez-Raga 2003). In terms of proportionality this means the 60% of the electorate that voted were not represented in the legislature, and the proportionality of the political representation is thus questionable.

Table VI presented the level of third parties in Congress from 1974 until 2002. With the exception of the results in 1991, the apparent increase in representative nature of

the political system must as noted be viewed with caution. The electorate have more alternatives to chose from, but the alternatives are still very much undifferentiated. The election of 1974 is clearly influenced by the party headed by Gen. Rojas who was able to present an option to the traditional elites. Nevertheless, during his military regime he had included sectors from the official Conservative party in government, and his political party the ANAPO, was formally a part of the Conservative party. To which extent this really is a measure of third parties in Colombia politics, or an elite fraction is difficult to determine. To consider these parties as third parties is problematic for several reasons. These parties tendency to gravitate back into the traditional parties are just one. Once the democratic left was rendered to insignificance in 1994 the traditional actors did undergo significant organizational change, and the new transitional parties came to fore (Gutierrez 2007).

Table VIII present an overview over the proliferation of parties in Colombia from 1974 – 2002. A complete implosion is seen after the inauguration of the new Constitution. From including a few new parties in the first three elections, the landscape is shattered in the 2002 elections.

**Table VIII: Composition of the Other in the House disseminated**

<b>Transitional</b> (elites)	<b>Democratic Left</b> (independent socialist parties)
1974: ANAPO 9%	National Opposition Union (UNO) 3.1%
1978: ANAPO 9.0%	Uinon Nacional de Oposicion 9.0%, Frente Unido del Pueblo 10.2%
1982: -	Frente Democratico 1.5, Frente Unido Popular 3.8%
1986: Nuevo Liberalismo 6.6 %	Unión Patriotica 2.0%
1990:	AD-M19 0.4%
1991: Nueva Furerza Democratica 7.5%, Movimineto Nacional de Salvacion 7.5%, Others 11.8%	ADM- 19 9.3%, Unión Patriotica 1.2%

1994: Movimineto Nacional de Salvacion 1.2%, Indigenous parties 1.2%, Minority parties 1.2%, Others 6.2%	ADM-9 1.2 %
1998: Indigenous 1%, Other 17.5 %	Other 1.5%
2002: Coalicion 2.8%, Cambio Radical 3.8%, Equipo Colombia 2.3%, Convergencia Popular Cívica 2.2%, Apertura Liberal 2.0%, Movimiento Popular Unido 1.5 %, Movimiento de Salvación Nacional 1.4%, Colombia Siempre 1.3%, Movimiento de Participación Popular 1.3%, Moveimiento de Renovación Acción Laboral 1.1%, Voluntad Popular 1.1%, Fuerza Progresista 1.0%, Convergencia Ciudadana 1.0%, Progresismo Democrático 0.8%, Nuevo Liberalismo 0.5%, Movimiento Integración Popular 0.5%, Movimiento Unionista 0.5%, Movimiento Huella Ciudadana 0.5%, <i>Movimiento Politico Comunal y Comunidad Colombiano</i> 0.7%, <i>Movimiento Integración Regional</i> 0.5%, <i>Movimiento Nacional</i> 1.1%, Vía Alterna 0.9%, Movimiento Republiciano 0.7%, Conservatismo Independiente 0.7%, Reconstrucción Democrática Nacional 0.5%, Participacion Comunidad 0.6%, Cívico Seriedad Colombia 0.5%, Partido Nacional Cristiano 0.4%, Nueva Fuerza Democrática 0.3%, Movimiento Nacional Progresista 0.3%, Partido Vanguardia Moral y Social Vamos Colombia -%, Partido Unidad Democrática -%, Autoridades Indigenas de Colombia -%, Partido Socialdemócrata Colombiano -%, Partido Popular Colombiano -%, Unete Colombia -%	Frente Social y Politico 0.8%, Movimiento Unionista 0.5%
2006: Partido Social de Unidad Nacional 16.7%, Cambio Radical 10.7%, Movimiento Alas Equipo Colombia 4.3%, Convergencia Ciudadana 4.6%, Apertura Liberal 2.3%, Movimiento Integración Regional 1.1%, Partido Colombia Demócrata 2.5%, Movimiento Nacional 2.0%, Movimiento Popular Unido 1.5%, Por el País que soñamos 1.1%, Huila Nuevo y Liberalismo 0.9%, Movimiento Mira 2.7%, Partido de Acción Social 0.6%, Movimiento Renovación Acción Laboral 0.4%, Movimiento de Salvación Nacional 0.3% Movimiento de Participación Popular 0.2%, Movimiento Nacional Progresista 0.1%.	Polo Democrático Alternativo 8.2 %

With certain notable exceptions, such as within the independent parties, the new parties are under the leadership of well known personalities. The parties proliferated, but continuation of the political class was obvious. The current President Alvaro Uribe Veléz, was elected under the party-banner Primero Colombia. Before running for presidency had been a senator for the Liberal party from 1986-1990, 1990-1994, and subsequently elected Liberal governor in the Antioquia department from 1995-

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1997. Germán Vargas Lleras, leader of the Cambio Radical is the grand son of Colombia's Liberal ex-president Carlos Lleras Restrepo, the third National Front president (1966–70). Founder of the Partido Social de Unidad Nacional, Juan Manuel Santos, belongs to the traditional Liberal elite and his family has ties back to the party's creation. The Santos family is the proprietor of Colombia's largest newspaper, *El Tiempo*, of which Santos personally has been the editor in chief. The president's cousin, Mario Uribe Escobar, also came from the Liberal party, and now leads the Partido Colombia Democratica. *Por el Pais que Soñamos* is led by the former Liberal mayor of Bogota, Enrique Peñalosa who openly supported the Uribe in the 2002 elections. In this party we also find the son of former president, today the leader of the Liberal party Cesar Gaviria (1990 – 1994) Simon Gaviria.

The continuation of power-sharing politics is quite clear, and the bonds between the government and the opposition are strong, even genetic. During the Uribe presidency (2002 – 2006), the remnants of the official Liberal party belonged to the opposition in Congress, while these transitional parties are supporting the president. However, nature of the opposition can seriously be questioned. On the face of it, great changes can be seen when comparing the level of representation in Congress from 1974 – 2002. The traditional parties have been losing seats in Congress and new parties are now in majority. By comparing the number of parties to the number of lists presented we can also observe that the lists greatly outnumber the parties. In the Colombian context this means that these new parties are not cohesive entities, rather made up of representatives who represent different limited electorates.

The experience from the structural changes in the Senate further underlines the elite's ability to adapt to the structural reforms. The first elections after the Constitution was introduced showed great progress and the candidates were focusing more on national issues. However the following election shows an increase in lists presented which in effect reduced the number of votes needed to be elected because the votes are more dispersed. The result was that the great majority of the lists only had one senator elected, and that the senate now was made up of 42 different parties sharing 102 seats



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(Rodriguez-Raga & Botero 2006). The proliferation of the lists has enabled the regional electoral barons to regain the ground they lost in the 1991 elections.

In these terms no real change has taken place with regards to political representation for the political actors closest to the armed leftist insurgents since the introduction of the 1991 Constitution (Roll 2005). The new third parties which entered the scene are best understood as consequences of reorganization within the elites to maximize their influence in the new political system. After the introduction of the new constitution the proportional relationship in Congress is unchanged if one interprets the transitional parties as part of the old elite constellation.

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### **5.3.3 The quality of the representative democracy**

Problematic aspects of the democratic political system was recognized since the philosophical discourse on how best to rule emancipated in the ancient Greek cultures. In modern terms it can be understood as a discussion between a formal and substantive democracy; a discussion on striking a balance between the distribution of political power and distribution of financial resources. The problem of the uncontrollable masses identified by the philosophers represents a true threat to the state, the elites and even the masses themselves. An all inclusive democracy based on majority rule would lead to the disintegration of the state. A better solution was to find an institutional equilibrium, in which the best possible outcomes with regards to distribution of resources were reached (Malnes & Midgård 1993).

Clientelism can be seen as one manner in which the elites protect the masses. Not only from themselves, but also from external physical and financial threats which are both prevalent in rural Colombia. Patron-client relationships are two-sided and unequal, and in which both the Patron and the Clients benefit. The Patron will gain political power and access to political institutions and public resources, and the clients will benefit from their Patrons control over the resources. The existence of the Patrons is dependent on the existence of on clientele, and the clientele is created by distribution of materialistic and other benefits. As the Patron is able to increase his

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representation in the political institution he will have access to more funds which he can then distribute to his clients, or electorate (Archer 1990). The dependence on such local 'men of respect' is paramount to understand why the political system in Colombia has been so stable in a context of social instability.

Questions on proportionality in consociational theory do more than say something about a fair political representation in society. It also presupposes that the participating elites are also mutually benefiting from the political inclusion. Political systems in which political representation is not coupled by political influence, one could expect little confidence in political institutions. It is an issue of redistribution and the need to observe change according to the political choices decided in elections. A rational electorate votes for the candidates who are most likely to have a positive impact on one's life. Political parties have traditionally represented the workers, specific ethnic groups, businessmen, peasants etc, but mass politics have never existed in Colombia. Political affiliation was decisive for one's allegiance in the civil war, but by proxy. The warring parties were organized by the rural elites who pertained to one or the other party, and the clientele followed the political allegiance of their patron (Hartlyn 1993). The elites found in rural Colombia connected to the regional elites and to the national who began to invest state funds for building and maintaining clientelist networks. By interpreting the proportional representation as representation of different local communities, then the proportionality is quite high in the sense that the sub-units in society are represented by the elites. Consociational democracy is after all defined as elite-cooperation (Lijphart 1977). Colombian Congress is, thus, proportional to the dispersion of elites spread out in all regions and municipalities in Colombia.

A series of institutional changes were intended to weaken these bonds of dependence. The new constitution also abolished the institution of 'pork-barrel funds', a practise which had been widely seen as an instrument for fostering client-patron relationships and primarily been used to secure the re-election (Raga 2007i). These 'pork-barrel funds' strengthened the electoral barons who on behalf of their patrons could contribute something tangible and often material to the local constituency. In turn the

constituency would continue to be grateful for the services provided by the patrons. The abolishment of this practice met with stiff resistance from the professional politicians, but the make up of the National Constituent Assembly managed to force through the necessary legislative changes. Another contentious institution was the congressional supplants; a practise which effectively meant that for one seat in Congress, two people shared it. This was a practise that was heavily used by the patron client networks to increase their influence in national politics and strengthen their personal position. This institution, though the use of 'brokers' enabled the local and regional elites created a foothold within the Congress (Duncan 2006). An example of the dangers inherit in this institution is that the undisputed leader of the Medellin drugs cartel, Pablo Escobar Gaviria, was elected into Congress in 1982, and consequently received benefits reserved national politicians such as congressional immunity.

Although increasingly fragmented, a centralizing feature within the legislature defines the power of each legislator. Due to the internal rules of congress the role of the parties in enhanced and power re-centralized in a few hands. Parties are crucial for accession to specific Committee membership, hierarchical positions (presidents and vice-presidents of the senate, house, and their respective committees), and strategic roles (sponsor of key bills). The president of the committee appoints one or several sponsors for each bill. Sponsors, in turn, have a decisive role in the legislative process, and are very influential in what is finally approved in the floor and act as political brokers between the executive and other legislators. The relative position in this hierarchy determines the amount of pork that a legislator receives in the form of positions in the national government, bureaucracy, and funds for investment projects (Cardenas et. al 20006).

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#### **5.3.4 Continuation of traditional politics**

The president of the republic has somewhat redefined his role in relation to Congress since the inauguration of the 1991 charter. Having lost much authority to the

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Congress; especially with regards to the ability of declaring ‘states of emergencies’, he has largely retained the fiscal power and hold great sway in the distribution of public positions, and the specific use governmental transfers. The fiscal authority was somewhat reduced in the constitution with the introduction of the automatic transferrals to the departments and municipalities, but the president still had a say in where the transferred money was to be spent (Dillinger & Webb 1999). Successive administrations after the 1991 have used other forms of ‘pork’ to get the approval of key reforms. Cardenas (2004:20) offers this description on how the president encourage the continued use of clientelist practises: *“Rather than involving direct budget allocations to legislators, the system now favours the channelling of funds to investment projects at the level of municipalities and departments were legislators control the administration, or at the very least convene with mayors and governors the final use given to these funds. ... In practice, it has been impossible to deal with congress without the use of pork”*.

The power to appoint personnel to central administrative positions within the state institutions was a central theme and the National Front stipulated a principle of parity. In addition the creation of an ‘Administrative Career’ which was to replace the old system of political appointments was contemplated. The issue of an administrative career did not lead to significant changes in practise of political appointments (Hartlyn 1993). The necessary reforms have yet to materialize, and much power can still be found where the appointments are decided. The constitution of 1991 did not alter the political dominance over public administration, and the practise continues today. During my interviews with both academics and members of Congress this was confirmed. Only exceptionally do the administrative institutions have a certain degree of independence. Institutions central to the continuation of patron-client relationships such as service, security and justice institutions are in the hands of the executive branches at all levels.

Thus, in legislative cases in which the president favours a certain outcome, he can use these two tools to secure the necessary amount of votes needed in return for preferential treatment in directing the funds transferred, and offering appointments

that favours the representatives in Congress. The clientilistic networks may in this way upheld by the need for the president to secure votes for important legislative projects.

### 5.3.5 Political violence and political abstention

In observing the variance in the composition of Congress the between 1974 and 2002, we can see that the democratic left has not improved its electoral results significantly. However, that the ‘democratic left’ in Colombia can openly participate in politics is a gigantic improvement in the case of Colombia where previous attempts to challenge the traditional parties have led to massacres. The new political system does however not seem to have changed the behaviour of the electorate; both with regards to how many that vote and for whom. Table present the level of abstention in legislative elections (in addition to two referenda) from 1957 – 2006

Table IX: Percentage of electoral abstention 1958 – 2006														
57*	62	66	70	74	78	82	86	90	91**	91	94	98	02	06
18	42.1	55.5	48.1	42.9	66.6	59.3	56.4	44.7	74%	67%	63.9	55	56.8	59.5

*Sources:* Registraduría Nacional del Estado Civil, Fernandez (1998), IDEA

\* National plebiscite for the National Front

\*\* Election for National Constituent Assembly

The rate of abstention is stable and shows only a small variance in elections of special importance. One can observe that the elections of 1957, 1970, and 1990 have a higher electoral turnout. The first election contributed in ending the civil war, the second was perceived as fraudulent and multiple guerrillas were created, the last included the guerrillas created in the 1970s. To us the measure of electoral abstention as data to measure the democratic quality is problematic. However, if we understand the electoral abstention in relation to the political history of Colombia there are certain implications. First, the elites have an interest in low turnouts as this will reduce the number of votes needed for elections. When new political forces are elected, there are no visible results due to the clientelistic nature of doing politics in

Colombia. In fact, the democratic left has been elected into several local political governments, but once elected they are forced to cooperate with a legislature and an administration completely dominated by the elites. Second, electoral abstention has a long tradition in Colombia and did not commence with the consociational regime in 1958. The traditional parties had often used this as a tactic of de-legitimizing the incoming government if they predicted an electoral defeat. Abstention is as such an active political act. Third, the rate of abstention must also be seen in relation to the ongoing war. The largest guerrilla FARC-EP does not support any elections and encourages their supporters not to participate.

In relation to the discussion of the consociational dimension of proportionality the data are again difficult to interpret. Proportionality understood with regards to territorial representation is clearly found in the new political system, and proportional according to balance of power between the elites has been upheld, which in extension is proportional to the sub-units in society. The clientelistic structure in society together with a highly disproportional electoral system has impeded the leftist political forces to be represented. The data on political violence does not give any clear answers of this dimension of the consociational democracy functions as a stabilizing factor in the case of Colombia. A certain drop in violence was seen in the first years after the constitution was installed and the political left did achieve some representation in both legislative and executive offices, but did not lead to prolonged stability. Other factors such as the existence of the patron-client relationships have immediate and direct effects on the electorate while the voting for programmatic parties can only give uncertain results in a distant future. Proportionality for Lijphart is concerned with allocating and redistribution of scarce resources, and as such the clientelist networks found in Colombia has proven the best strategy for redistribution for the constituents. Proportionality in the case of Colombia has remained unchanged, and as the violence has continued to escalate continuously has not functioned as a stabilizing force. On the other hand one can question if such an assertion is viable given that one side in the conflict is not represented at all.

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## 5.4 Mutual veto: Segmenting power in traditional relationships

Mutual veto is an institutional dimension of the consociational democracy which is vital to the stability of the regime. Lijphart's best solution for divided societies included measures to limit central power, and avoid the fusion between the executive and legislative as found in some majoritarian model (Lijphart 1977). The intention is to protect the special interest for the different subcultures in society. Even if the elites of these communities are represented in the legislative and even the executive, there is no guarantee if the majority decides. Political inclusion does not automatically translate to influence, and to avoid future crisis the consociational regimes make use of a variety of rules that protect the interest of the electoral minorities. Decisions which are thought to benefit the nation as a whole can be against the interest of the local communities. Minorities may be discriminated against if the majority can decide over the faith of the minorities (ibid). The mechanisms that can be used are multiple. Guarantees of self-determination on specific issues important to the different groups are often used in societies which are divided between ethnic and religious lines. Protection of these guarantees needs to be codified by law, and eventual changes subject to special majorities is the content of the guarantees are to change. Mutual veto prescribes the use of an institutional tool that inhibits legislative development. The majorities can not force through new reforms favourable to them at the expense of some communities, which means a continuation of existing legislation. The level or the intensity of changing or introducing new legislation will therefore be indicative of the use of mutual vetoes.

Critics of the consociational theory point to the most likely consequence of the mutual veto, namely immobilism and ineffectiveness. The regime makes it impossible to adjust to the changes in society if legislation has no prospects of being passed. In the parliamentary systems in which the executive is responsible to the majority in Congress, the executive will be scrutinized by every decision and effectuation of politics. Presidential systems on the other hand give greater power to the executive in executing policies, but little power in making policies. Given the mutual veto leads to immobilism, one could expect that the executive will use other

means at his disposal to govern throughout his or her tenure. Democratic parliamentary systems normally do not include such special powers, but as the president is elected directly by the entire nation the executive office has been endowed with special powers in matters of national interest. Laws needed to be able to govern can be made by decree if the president perceives these as necessary. To be ruled by decree is not something unfamiliar to most people in Latin America, and the tradition of strong presidents is still very much alive. However, the decrees do not constitute normal law, and are subjected to several restrictions; both to certain areas of legislation but more importantly also by time. In a sense they are temporary laws which automatically vanish unless renewed or included into normal law. When the president decides or leaves office, all things are the same, and all initiatives taken that were not passed into law by Congress will return to its original position. High use of emergency powers by strong presidents can therefore be understood as legislative immobility and is a consequence of the use of mutual vetos.

#### **5.4.1 Immobility and volatility in Congress; keeping the balance of power**

In Colombia mutual veto was secured by subjecting all legislation to a two-thirds majority. The special needs of communities such as the religious ones in the Netherlands did not exist in Colombia. There were no divisive characteristics between the Liberals and Conservatives except political adherence. The two groups mixed in all social and economic and cultural sectors of society (Hartlyn 1993). They worked in the same place and went to the same schools, and the separation between the two is mostly seen by the territorial dispersion. On regional level the two groups mixed, but on community level they were separated and lived often in adjacent but not the same communities. Studies show that from 1931 – 1982 only 12% of all municipalities in Colombia switched party affiliation (Dix 1990). The clientelist tradition offers a possible explanation for this in that the political adherence of the Patron in the community decided the adherence of the population in the community. As the generations passed, the powerful families in the communities remained that same, and the population remained loyal to their protector and benefactor.



From 1945 – 1990 the Liberal party almost continuously held a clear majority in Congress, but the two-thirds mechanism forced them to include at least half of the Conservative party in all legislative matters. From this perspective it is not surprising that the efforts to pursue necessary reforms were few and that those that were passed had been severely diluted. The immobility the first years of the National Front made the party-leadership concerned about how to confront a post-National Front era. The single majority principle was reinstated in 1968, but restricted to few areas of legislation which could facilitate effective government. That the parties were able to come to an agreement on this issue was due to the mutual beneficial outcomes which they could predict. Effective government is vital to economic growth, and consequently of vital interest to all elites. Laws of more structural character such as constitutional law and election laws still had to be passed by a special majority (Nielson & Shugart 1999).

Executive coalitions do not need to translate into legislative coalitions. Multiple proposals of structural reforms written by the executive have not been passed and included in law in the legislative. This contradiction can be seen as a consequence of the presidential system in which the president can not be revoked by Congress, but theoretically this would be compensated for by the executive coalitions. Members of cabinet are appointed due to their position in their political party and support in Congress. The Colombian two-party system was, however, extremely fragmented and consequently the legislative reforms were consequently difficult to pass. However, one could also interpret the immobilism in terms the rational choice of not changing a preferential system of government.

The immobility in Congress has prevented needed development favouring the poor sectors in society while benefiting the upper sectors in society, and in observing the distribution of resources in a historical perspective the political stability is reflected. The inequalities found in society in 1951 are virtually equal to the inequalities found in 2000.

<b>Table X: Inequality in Colombia 1951 – 2000 (GINI Index)</b>
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<b>Year</b>	1951	1964	1971	1978	1988	1993	1996	1998	1999	2000
<b>score</b>	0.52	0.55	0.52	0.53	0.54	0.56	0.54	0.56	0.55	0.56

Source: Ramirez & Bravo 2002

In measuring the poverty rate in Colombia one can find similar results, especially in rural areas. Table XI shows the poverty rate from 1978 – 1999, and one can see that the rate has remained stable.

<b>Table XI: Poverty timeline 1978 - 1999</b>				
<b>Year</b>	<b>1978</b>	<b>1988</b>	<b>1995</b>	<b>1999</b>
<b>Total</b>	80%	65%	60%	64%
<b>Urban</b>	70%	55%	48%	55%
<b>Rural</b>	90%	80%	79%	79%

Source Ramirez & Bravo 2002

Social reforms had long been a constant theme for the political elites, in particular the long awaited agrarian reforms which is one of the main concerns for the remaining guerrillas; the FARC-EP in particular. Nearly all governments in Colombia have stressed the need for such reforms, but their efforts have been circumvented in Congress. Even though close to all congresses since the National Front have expressed been presented and publicly expressed support for such change, no substantial reforms have been made (Hartley 1993). The interests the members of congress they never allowed for such reforms to be effectuated. Shugert & Nielson (1999: 321) write *"...any constitutional amendment that might serve to undercut the ability of politicians to cultivate personalistic relations with their own electorates would be doomed to defeat. Indeed, the history of Colombia between the end of the National Front (1974) and 1990 is filled with failed attempts to reform the constitution"*. The national elites in control over government were voted in on campaign promises of programmatic character, but while in office forced to individually negotiate with the representatives from the rural regions. These failed attempts to reform were generally introduced in mid-terms when chances for success

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were reduced, so one could also question the sincerity of the promised proposals for reforms.

The Constitutional reforms of 1991 presented the elites and their candidates for Congress with a new political reality. Responding to social needs was no longer a political issue, but a legal issue. Economic and social rights were included and guaranteed in the constitution, and through this the state was made legally responsible for the well-being of all citizens. The document was described a rigid system of micromanagement; a document heavily influenced by the social agenda forwarded by the demobilised guerrillas in the NCA (Alesina 2000). Bringing the state back in presented a challenge to the local and regional elites who had a strong interest in how and to whom the public resources were to be distributed.

When the peace-agreement with the M-19 guerrilla was reached the insurgents insisted on a revocation of Congress, and the convocation of a constituent assembly in which they could and later also were heavily represented. However, when the Constituent assembly was dissolved, and a new Congress was elected the combined elites were again in a clear majority at least 85%, and a maximum of 98.8% if the ADM-19 is regarded as the only independent party and thus not aligned to any of the elites (see: Table III and IV). The previous constitution had favoured the elites, and immobilism can be seen as a consequence of this. Why make changes that will reduce ones power and control over resources?

If the new Constitution was contrary to the interest of the elites, the rational thing for their representatives in Congress would be to re-reform the new document so the beneficial aspects from the old would not disappear. High intensity of constitutional reforms would indicate an absence of mutual veto for the sectors favoured in the constitution, and whose representatives are defeated in Congress. On the other hand one could also see a high number of reforms as the use of a delayed veto against the 1991 Constitution. Institutional theory teaches us two perspectives on the effect of institutions. The neo-institutional schools perceive institutions as agents of change, and by reform of institutions one can guide behaviour and implement

lasting change. The path-dependent school hold that institutions are products of pre-existing conditions, and are abstract notions of rules. As Pierson (2004) notes, the institutions are the functional consequences for those who made them. His ‘critical juncture theory’ which includes aspects from both of the schools, is well demonstrated in Colombia. The elites that participated in the NCA cooperated with the demobilised guerrillas, and these in turn were able to include most of their demands into the final text (Cepeda 2004). However, the compromises were mutual and the elites managed to insert favourable conditions with regards to the rigidity of the document. When normality was restored the elites had full freedom in reversing the decisions made by the NCA.

To understand why the reforms were initiated in the first place one must keep in mind that the whole process was unconstitutional. Congress had under the Constitution of 1886 the complete power to reform the constitution. But the executive stretched his executive powers and included unconstitutional referenda in the presidential elections of 1990. The electorate voted with an 88% majority for the proposal of calling for elections and convoking a National Constituent Assembly (Nielson & Shugart 1999). The composition of the NCA ensured a wide and deep reform and has been hailed as one of the most liberal in the world with regards to inclusion of individual and group rights.

<b>Table XII :Number of changes made to the Constitution 1992 – 2003</b>											
1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
	2		3	2	1		1	2	4	6	31

*Source:* Political Database of the Americas, Georgetown University

The first year into the new political regime the constitutions remained largely unchanged, but soon the content became problematic. The new individual rights gave guarantees to the people, but the governments were not financially capable or willing to fulfil their obligations. The number of changes made in the Constitution from the mid-1990s continued into the new millennia; culminating in 2003 when an electoral reform, which was both initiated and written in Congress, was passed. The political

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violence became ever more prevalent in this period of time, and the political system continued to be vigorously contested by the guerrillas and the democratic left who had lost almost all representation in Congress. When Lijphart presents his theory on consensus democracies he holds one characteristic as particularly beneficial; constitutional rigidity (Lijphart 1999). The number of reforms after the Constitution of 1991 seen in Table XI tells us that this constitution is not.

Nevertheless, the changes made to the political system closer to that of a consociational one rather than adversary. Use of mutual veto did not lead to stability in Colombia. By favouring the status quo and introducing new legislation that could have negative ramifications for one place in society the immobile Congress was met by an increasingly forceful contender outside of the political system. When the veto power is not effective Lijphart expects instability, and in the case of Colombia he seems to be correct as the political reforms were met by increasing levels of violence. However, if one perceived the multiple reforms as a delayed use of veto, then this has implications for his theory. The subgroups of importance, i.e. the elites were not well represented in the NCA and were consequently not able to use their right to veto, but once back in Congress the veto was invoked against central elements of the constitution.

The small majority of leftist parties in congress have all opposed these reforms, but their level of representation in Congress has made them completely impotent. In interviews with PDA representatives in Congress they highlighted this as the biggest problem regarding the constitution. The Constitution of 1991 had given a shimmer of hope, and it gave the people a prospect of living in dignity. But the authors gave away the keys to a promising future, and subsequent congresses have peeled away the substance in the laws. Mutual veto in legislative matters is therefore not straightforward to either to measure or interpret in the case of Colombia. The leftist sectors in society, including both the illegal and legal expressions have never had the ability to veto any decisions made that affects 'their' electorate.

#### 5.4.2 State of Emergency; a means to stem institutional reform

Presidential systems of government are “*majoritarian by nature*” in which there is only one winner. Grand coalition in such systems is less effective because the members of cabinet are appointed by the president and are merely advisory (Lijphart 2004: 101). But in the Colombia’s presidential system the executive coalitions were not a result of ‘random’ appointments by one man. Rather the result of negotiations between different groups of elites in which the composition of the cabinet was often planned before the elections. In fact, from 1958 until 1982 the appointments were not even made by the president, but by the opposite party.

The legislative branch of government had before 1991 increasingly been diverted into an arena of regional and local interests, and only exceptionally expressed an interest in a coherent national agenda. The period between the National Front and the new constitution was characterized by an apparent chaos in congress; a chaos which produced immobilism. Party discipline was not existent; and the fragmentation of Congress made effective governing extremely difficult (Shugart & Nielson 1999). Table XII shows that the president has since the end of the consociational regime increasingly used his emergency powers. The fragmentation absence of party cohesion in the legislative either forced or enabled the president to allocate emergency powers by declaring a situation known by many names in Colombia; ‘estado de sitio’, ‘estado de excepcion’, ‘estado de emergencia’ and ‘estado de conmoción interior’. The control on presidential power was all but absent in Congress, and between 1974 and 1991 the some kind of state of emergency was the rule rather than the exception in Colombia. (Palou 1993).

If one were to take the temperature of the Colombian society by observing the rate of emergencies the country has experienced, the readings would fly off most charts. Figure XIII shows the percentage of presidential terms which are subjected to his right to rule by decree. The constitution of 1886 was introduced to make Colombia a unitary and sovereign state, and the regional interest which predominated

the conflicts were to be subjected national supervision. To an extent this is also beneficial to the local and regional elites who can give more attention to their own internal affairs, and be less preoccupied with possible threats from neighbouring municipalities. Authorizing the government to have extraordinary powers can prevent a complete collapse of the state and thus be beneficial for all actors in society (Uprimny 2002).

**Table XII: Use of emergency power 1958 - 2002**

<b>President / Period</b>	<b>Type of regime</b>	<b>Duration ( in months)</b>	<b>% period in office</b>
Lleras Camargo 1958-1962	Explicit consociationalism Liberal led bipartisan government	4	8.3
Valencia 1962-1966	Explicit consociationalism Conservative led bipartisan government	14.5	30.2
Lleras Restrepo 1966-1970	Explicit consociationalism Liberal led bipartisan government	30	62.5
Pastrana Misael 1970-1974	Explicit consociationalism Conservative led bipartisan government	39	81.3
Lopez 1974-1978	Implicit consociationalism Liberal lead bipartisan government	34	70.8
Turbay 1978-1982	Implicit consociationalism Liberal led bipartisan government	47	97.7
Betancur 1982-1986	Implicit consociationalism Conservative led bipartisan government	27	56.3
Barco 1986-1990	Break from implicit consociationalism Liberal government	48	100.00
Gaviria I	National Front.	11	100.00

1990-1991	Liberal lead bipartisan government		
Gaviria II	Post-reform	14.9	39.5
1991-1994	Liberal lead coalitional government		
Samper	Post-reform	9	18.8
1994-1998	Liberal lead coalitional government		
Pastrana Andrés 1998-2002	Post-reform	0	0.0
	Conservative led coalitional government		

Source: Uprimny 2002

The use of such powers markedly dropped after the inauguration of the new constitution. At least two explanations can be found. First the institutional one in which the constitutional reforms placed more restriction on the executive's freedom to declare states of emergencies. By comparing the presidential proactive power from 1958 to 1991 and comparing them to the new rules introduced in the 1991 constitutions we find significant changes. In the first period the president yielded high degrees powers, could issue urgency petitions, have ex-post judicial review, have areas of exclusive introduction of legislation (from 1968), and most importantly no constraints in declaration of unrestricted state of siege and state of economic emergency. In the 1991 Constitution the power was restricted with the right to rule by decree, permanent committees had to be appointed to along urgent petitions, and the power to declare states of emergencies were subject for approval by the Constitutional Court, restricted to 90 days, and could be prolonged for a maximum of 180 days (Cardenas et.al 2006).

Table XIV: Use of emergency powers 1958 – 2002		
Decades	Duration in months	Percentage per decade
1958 – 1970	48.5	33.7
1970 – 1991	206.0	82.1
1991 – 2002	23.6	17.5

Source: Uprimny, Rodrigo 2002



However, the most common justification given historically for the declaration of states of emergency by the President has been to restore the rule of law and order, rather than to override Congress (Alesina 2000). The second explanation can thus be found in the absence of situations which justifies such declarations of emergency, and one would expect a more frequent use of emergency powers as the conflict escalated. Nevertheless, the relatively low use of emergency power from 1991 to 2002 contradicts this notion. As seen in all data on the dependent variable presented in the beginning of this chapter which clearly show a surge of violence in this period. One way to understand this apparent contradiction is to perceive the use of emergency powers as proactive, and not merely reactive in face of violent social unrest. In this perspective the states of emergency declared from 1958 – 1991 were a mechanism to enable governing and in extension prevent structural changes. After the reform the less frequent use for the extraordinary powers can be explained by the elites self interest in getting legislation passed in Congress in order to reverse certain elements of the Constitution.

### **5.4.3 Mutual veto and violence**

Comparing the data on political violence and the intensity in constitutional reforms, there is a marked correlation; reform is coupled with political violence. To explain the relationships in terms of a worsening of condition for the excluded sectors will however not be viable as the reforms yield very different results. Extensive rights to and effective use of vetoes to sustain the status quo can explain why the violence increased. This would contradict the notion of stability which mutual veto is supposed to foster. On the other hand the multiple reforms after 1991 in which the democratic left had no opportunity or right to veto seems to confirm Lijphart's theory. If we choose to interpret the changes in the 1991 charter as a delayed use of veto by the elites, then Lijphart's theory will be weakened as violence did coincide and escalate in the same period of time. The frequency in declaring states of emergency does however indicate a relationship between the level of (in)stability and mutual veto. In the period from 1974 – 1991 Colombia was ruled by presidential decree in eight out of ten days even though the levels of violence did not become

threatening until the late-eighties. After 1991 the levels of violence have been much higher and use of emergency powers would be much easier to defend. The discrepancy between the two latter periods of time in declaring states of emergency compared to the prevalence in violence acts in the same periods do not correlate. This could indicate that the use of emergency power was not related to the conflict, rather as a means to maintain status quo. In post-reform Colombia such powers were no longer needed to be invoked as the Congress now had an interest in making structural changes. To draw a conclusion from this restricted data is not called for both for the plenitude of other explanatory variables and the problem of determining if there is a cause and effect and if so in which direction.

## 5.5 Territorial segmental autonomy

Consociational theory was discovered in, and is recommended for states which are divided. The divisions in society were found along religious, ethnic and other permanent characteristics. These different groups or subcultures have a strong interest in continuing to live by their traditions, and find it necessary to have a guarantee of self-determination over certain institutions in order to cede authority to the central government. With regards to the institutional design that can best secure such segmental autonomy he states: *“The principle of segmental autonomy means that decision-making authority is delegated to the separate segments as much as possible.”* (Lijphart 1979: 500). As territorial segmental autonomy is predominantly organised in a federal arrangement, one can infer that a federal decentralised solution would be the preferable manner in which secure self-determinacy for the different groups in society, although it is not necessary. Colombia is a unitary state, but in contrast to Lijphart pure majoritarianism in which power is highly centralised Colombia has become highly decentralised. Lijphart writes (1988: 79) *“Colombia is a ‘decentralized unitary state’ in which decentralization is maintained by ‘the strong demands for autonomy that exist in some of the major provinces’*. In 1988 the decentralization process was in its initial phase, and direct elections for mayors have been introduced the same year. After 1991 the process accelerated. The authors of the new constitution intended to make the political system more representative,

participatory and accountable, and the most profound reform included in the charter was the process of political, administrative and fiscal decentralization. The intention was to deepen democracy by giving the local communities right to self-determination; bring democracy closer to the people.

As for the five characteristics regarding the federal- unitary dichotomy presented by Lijphart in 1999, Colombia is today as follows: 1) Government is unitary but decentralised. 2) The legislative is bicameral, and the houses are differently constituted. 3) The constitution of 1991 is not rigid. 4) The constitutional court does have the power to render new laws unconstitutional, i.e. judicial review. 5) The central bank of Colombia is independent. What makes Colombia different from a 'pure' federal state is thus the lack of constitutional rigidity which is discussed in the previous section.

The critics of Lijphart point to the dimension of segmental autonomy as particularly problematic. To a certain extent they agree with Lijphart with the effect of territorial segmental autonomy in that increased autonomy will lead to greater cohesion within the sub-groups. They differ as to whether this fosters stability or will lead to conflict. Whereas Lijphart perceives strong independent sub-cultures as necessary for effective elite-co-operation, his critics find that the segmental autonomy will lead to territorial secession and disintegration of the state (Barry 1975). In Colombia secessionist claims have never been forwarded by any of the contending groups; instead they fight for control over the state itself, which means fighting for or against the government.

### **5.5.1 Rethinking segmental autonomy in Colombia**

The favourable condition of '*Segmental isolation of the subcultures*' was in Colombia not present during the national Front. The elites mingled in all levels of society, and mingled in all the country's 33 departments. However, on municipal level the condition can be argued to be present. As seen in the remarkable stability of party allegiance in the communities in which 88% has voted for the same party in a period spanning half a century. To use the dimension of segmental autonomy is problematic

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in Colombia because of the nature of the societal cleavages. One can question the existence of different characteristically separable communities. The original division in society, understood as the Liberal/Conservative, was artificial not inherit as ethnic subcultures are for example. However, these relationships were cultivated for generations and the different clienteles ended up identifying themselves with the party label in the same manner as they identified themselves in terms of religious conviction, nationality etc, and the party allegiance was dependent on which party the Patron adhered to (Hartlyn 1993). As such party allegiance was not political, but allegiance to the local Patron. Elite – electorate relationships in democratic societies are by nature hierarchical, but when organized on national levels it is problematic to perceive the national elites as the exclusive elites. Lijphart use of elites as the natural leaders of a community is problematic as the elites are not unchangeable, and even in societies with great elite continuity as Colombia, the balance of power between and within the different elites have undergone change. Thus, on a national level the elites are the aggregated expressions of the multiple regional and local elites, from whom they derive their power. Overarching national elites depend on the regional and local elites to direct the electorate. The relationship is thus not straight top-down, but rather like a pyramid in which the national elites are placed on top.

If we look at Colombia, the pyramid has to a certain degree been broken down, and the regional and in particular local elites have increased their power since the end of the National Front. The two traditional parties are not very different politically, and the political differences are predominantly found on national, not regional or local level where the inter-party violence was located during the civil war. This helps explain with which ease the different parties have formed executive coalitions the last 60 years. It also helps explain that the divisions in society which led to the civil war was not a result of political disagreements; rather constant frictions produced between local and regional elites which often were economically motivated. Indeed, many scholars agree that the national political leadership, the national elites, were not even informed of the intensity of violence, and notably the violence never reached the cities (Davila 2002).

With the process of decentralization the local and regional elites were given increased autonomy, strictly speaking not in terms of special needs to continue to exist as a community, but in political, administrative and fiscal self-determinacy. One possible consequence of this increased autonomy is as noted by Barry secession, but in Colombia where the lines of divisions were not based on constant characteristics territorial secession was never a threat. The time of the regional feudal lords who acted like autonomous kings are long since gone. Instead a political secession observed in the atomization of the political parties which have given more power to the elites located in the rural areas. Territorial segmental autonomy is has been the result of the constitution, and with the administrative, fiscal and political decentralization the power has been increasingly transferred to the different sub-units in society. These sub-units, thus, are defined by the not by ethnicity or party adherence, but territorial adherence in which the population is organized under and strongly tied to the local and regional elites.

### **5.5.2 Self-determination as condition for peace**

Consociational democracies are defined in terms of four dimensions of which the “two most important of these are the complementary principles of grand coalition and segmental autonomy” (Lijphart 1979: 500). Political stability and peaceful co-existence is thus best preserved if these two dimensions are present. Contrary to this theory the constitution of 1886 heavily emphasized the need for a strong central power to integrate the different conflicting regions. Before 1886 the regions (departments) had had the freedom to set their own fiscal policies, print their own money, and maintain their own militias (Eaton 2006). There existed an abundance of regional and local conflicts; an anarchic situation uninhibited by the absence of a legitimate coercive power derived from central government. The constitution of 1886, thus, gave great powers to the executive both politically and financially to strengthen the governability of the state. Colombia did not have this dimension of the consociational regime from 1958 – 1988; rather the state was highly centralized. After all, the experience from before and during the La Violencia had taught the elites that regional and local conflicts had to be controlled centrally. The strategy of

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centralising power in Colombia, together with the dimension of grand coalitions seemed to function quite well initial, and the National Front has been hailed as a very successful Consociational regime. As the dynamic of the conflict changed the stability came to an end, and beginning in 1988 the dimension of territorial segmental autonomy was introduced into the Colombian context.

The demand for increased self-determination came from several of the actors in the ongoing conflict, and as early as Turbay presidency (1978 – 1982) did the FARC-EP set the condition that any peace negotiations with the government was to include the topic of decentralization. More specifically, the FARC proposed the direct election of mayors, and the transfer of 40 percent of central government revenues to the municipalities (Eaton 2006). Turbay refused to enter negotiations with FARC. His position in the political hierarchy was one of being a professional politician, or a ‘broker’ between who connected the local elites to the national state institutions. Decentralisation meant that his role in the process would become extinct because the resources would no longer be funnelled through the professional politicians, rather be transferred directly to the local municipalities. But already during the peace negotiations with the following Conservative Betancourt government, constitutional reforms were passed to this effect in spite of great resistance from the some sectors of the traditional elites and the professional politicians within his party, and became effective by 1988 (ibid). Only three years later, in the National Constituent Assembly, this process was continued by the inclusion of direct election for governors, a substantial fiscal decentralization and administrative administration. The issue of decentralization was thus seen by the Constituent Assembly as an integral part of the project of deepening the Colombian democracy, and a direct answer to political demands forwarded the remaining guerrilla more than a decade before. The intended deepening of democracy was codified in Chapter two of the new constitution which confirmed the autonomy of the departments, the value of local democracy, and ensured a set amount of financial transfers to all the regions. Three aspects with the decentralisation in the 1991 document is identified as particularly important; the Government had to transfer to local governments half of all resources allocated centrally; the bulk of the resources had to be spent on health and education; elected

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governors and mayors had to administer their own resources and improve their fiscal situation (Sánchez & Chacón 2005).

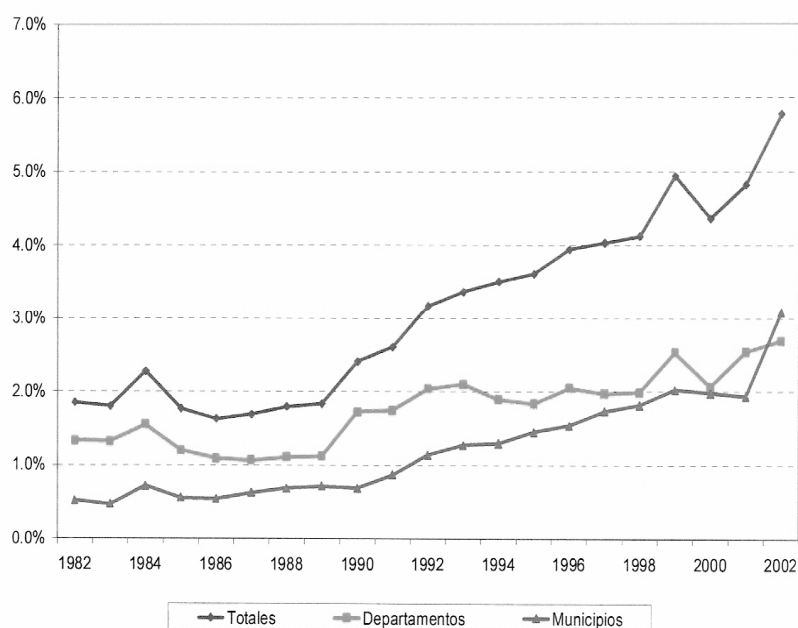
### **5.5.3 The effects of decentralization; comparing the data**

Before the Constitution the local governments had been appointed by the regional Governors who were appointed by the President. In the new situation the population in the municipalities were to elect their own leader, and by this change the office of mayor was within the reach of the local elites. Needless to say, the rural elites viewed the process of decentralization as a positive development, and in the NCA they managed to reinforce this process in cooperation with the demobilised guerrillas. The first step in the decentralization process was effectuated in the 1988 with the introduction of direct election of the mayors. The same year the ‘dirty war’ in Colombia commenced by the practically complete annihilation of the political wing of the FARC-EP; the UP. Observing the data presented in Graph IV and V we can observe a surge in violence against political candidates, politicians, community leaders and public officials. UP politicians from local to national level were murdered by the paramilitary forces who were directed by the rural elites, and the FARC-EP gained control over institutions by targeting elected officials in their areas of influence. As political decentralization began, the political institutions became of importance and were targeted by both.

The process was widened and deepened in 1991, and the importance of controlling the political institutions became increased accordingly. With the administrative and fiscal decentralisation the institutions were not only of symbolic value, but increasingly also economic value. The governmental transfers guaranteed in the Constitution were to continuously increase until half of all public resources were controlled by regional and local governments, making the economic incentives for the actors in the exponentially stronger. Below I have presented a graph showing how the financial autonomy increased from 1982 -2002 measured in percentage of GDP. Certain clauses were included by law which guaranteed that the transfers were

to be spent on health and education, but as discussed in the previous sections the distribution of the funds continued to rely on the patron- client networks.

**Graph IX: Governmental transfers measured in percentage of GDP**



*Source:* Sanchez & Chacon (2005)

From the mid-1990s the intensity of the conflict is beginning to take new and unprecedented proportions, and to understand why the escalation came at this point in time it is necessary to study the structural changes within the elites. In the late 1980s the Medellin drug-elites had declared war on the government due to its efforts in pursuing and capturing their leader Pablo Escobar in order to extradite him the United States. The former member of Congress was eventually tracked down and killed by the security forces in cooperation with rivaling cartels. The Medellin cartel was partially dissolved, and the remained of its leaders were either captured or dispersed to quieter and easily controllable environments in rural Colombia. The leaders of the other dominant cartel, the Cali cartel, followed suit a few years. Having cooperated



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with security forces under the liberal president Gaviria, they became the main target for the subsequent Liberal president Samper. Immediately after entering office, he became entangled in a scandal involving the entry of illicit money from the Cali cartel into his presidential campaign. The legal process which ensued vindicated the president, but his campaign manager and former minister of defence Fernando Botero Zea was convicted. From 1993 – 1996 the two major cartels in Colombia were forced out of the cities, and they were relocated in the rural areas they had purchased since the mid-eighties. Coinciding with the physical relocation of the elite, the second surge in violence in 1994 corresponded a significant expansion of the guerrillas. Seen in Maps 2-7, the guerrilla increased their presence all over the country between 1990 and 2002, and most of this territorial expansion was not countered by either the Armed Forces or the paramilitaries of the rural elites. As the guerrillas were rapidly expanding, the government focused on dissolving the drugs-cartels in the cities. When getting settled in the rural areas they were met with the same problems as the other rural elites; an increasingly presence of guerrillas who extort anyone with businesses or farms of certain sizes. The guerrillas had four main sources of income: the drugs trade in which it placed ‘taxes’ on cultivation refinement and in their areas of control collected protection money from the drugs-elites who had their laboratories located in these distant regions, extortion of medium and large businesses, kidnapping for ransom, and since 1991 they had been able to control the governmental transfers which was a direct result of the Constitution. The drugs-elites and the rural elites had an interest in controlling the first and last, while preventing the second and third. The common interest of drug elites and rural elites made join forces to regain the control of the land. The rural elites had access to manpower, and the drugs –elites had the financial capability to equip them. 60% of the total revenues for the paramilitaries came from this trade, while the remained can in the form of voluntary financial support, and later also by the less voluntary ‘vacunas’ or vaccines imposed on local businesses to prevent the return of the guerrilla and also the maintenance of law and order in the local communities (Castaño 2001).

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#### **5.5.4 A new innovation; armed clientelism**

However, the reinforced paramilitaries did not restrain themselves to the land traditionally controlled by the elites, but with increasing financial and military capabilities began enter new areas; in particular areas of strategic financial and military importance. The paramilitary expansion signified a new phase in the conflict, and as the guerrillas they changed from being predominantly self-defensive to becoming offensive. The process of decentralization enabled to a new form of clientelistic relationship to develop; the armed clientelism. Armed clientelism is the concept used in describing how the armed actors entered political institutions in a large scale. Like traditional clientelism, armed version aims at appropriating good and resources and target institutions able to deliver these (Eaton 2006). By controlling both legislative and executive bodies the armed actors could decide which kind of projects to initiate, how they were to be carried out, and also the control over deciding on who get the contract. As transfers from the state increased every year, in particular between 1999 and 2001, the incentive for controlling the distribution of resources increased.

In 1997 the Autodefensas Unidas de Colombia (AUC) was created, and soon it had managed to convince or co-opt nearly all local and regional elites. By entering through the back door of local politics in cooperation with the rural elites the, drugs-elites and the leading paramilitary commanders became a political force at all levels of government. By 2002 they controlled one third of all municipalities in Colombia as well as 30% of Congress<sup>6</sup>. As the drugs-elite became more influential in the organization, a rift between the original supporters made up of the regional elites and the drugs-elite was opened again as it had in the last years of cartels' existence. The paramilitary force that swept through Colombia by the turn of the millennia made great progress and forced the guerrillas out from their conquered areas, and even their traditional areas of control (Gutierrez 2006). The increasingly

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<sup>6</sup> Claim made by the AUC commander Salvatore Mancuso in an interview with the magazine *Semana* 18.8.2003.

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important role of the narcotics trade redefined the AUC, and its historical leader was eventually assassinated by rivalling commanders in 2004. Commanders with the largest access to revenue became of increasing importance due to their financial capability to hire and equip their armies.

In cooperation with sections of the army, the rural elite and increasingly the drugs-elite the AUC took over the guerrilla areas of greatest economic importance; areas of production of coca and main transport routes used by smugglers. Transition of power however, is extremely bloody and the number of massacres reported shown in Graph VI vividly present the new changes of tactics taken by the paramilitaries in their period of expansion. The entry into politics by the armed actors is best described by statistics. Between 1988 and 2001 the numbers of assassinations which targeted political institutions included 131 mayors, 461 councillors, 291 local political leaders, 185 union leaders and more than 550 State functionaries. By 2002 the AUC were operating in 28 different departments of a total 33 (Sánchez & Chacón 2005).

One of the reforms of 1991 had been the submission of the military under civilian supervision. From 1958 - 1991 the defence minister had been appointed internally in the Armed Forces. In the new situations the elected government would be held accountable for the abuses conducted by the army. Not having the previous operational freedom the human rights record of the armed forces increasingly improved after its introduction. In 1993 more than 50% of the acts of political violence were attributed to state agents, and 20 percent attributed to the paramilitaries. A significant change in behaviour was observed already by 1996 when the numbers of abuses attributed the legal and illegal state forces were the opposite, that is 50% paramilitary and 20% state agents. The trend continued to materialize and in the year 2000 as much as 80% of the abuses were attributed the paramilitaries, only 5% the state, while the remaining 15% was attributed the different guerrillas groups (Gallón-Giraldo 2001). There has been found no evidence of agreements made by the military central leadership and the paramilitaries, but many of its personnel have been found guilty of such charges; including highly decorated soldiers and generals. Fractions within the armed forces coordinated their actions with the paramilitaries,

gave them intelligence, free corridors to avoid direct meetings, and militarily supporting the paramilitaries when these engaged the guerrillas. During my interviews in Bogota, a leading expert on the topic claimed that without the help of the Armed Forces the guerrilla war machine would quite easily have vanquished the paramilitary forces.

### **5.5.5 Decentralization and conflict escalation**

Introduction of the dimension of segmental autonomy has been found to be the primary explanation for the escalation of the conflict (Sánchez & Chacon 2005). This is clearly contrary to the claims by Lijphart that political stability will be enhanced. He is however not alone in including such a measure into conflict scenarios, and decentralization has been forwarded as the most important institutional tool in reaching, and preserving peaceful relations. What made Colombia take a turn for worse after introducing conflict reducing institutions is not clear. The shifting power of the elites may explain some of the developments. Increased governmental transferrals to the municipalities are another explanation for why the escalation occurred in this period of time. In any case the conflict intensified and all indicators display a marked escalation. The number of massacres multiplied as the paramilitary forces entered the land controlled by the guerrillas, assassinations of public officials skyrocketed, the general activity of the armed actors increased as they were gaining control over entire municipalities from where they could operate.

The critics of Lijphart claimed that the dimension of segmental autonomy would lead to increased sense of independence within the subculture, and this would lead to conflict. In Colombia this is not what happened; rather the independence reached was hijacked by the illegal armed actors who actively sought after the beneficial aspects of the decentralization process. Instead of creating more cohesive and self-conscious communities in which local democracy could be fostered the, the local community was either attacked by the guerrillas and paramilitaries who placed strict control on the political development.

## 6.0 Conclusion

“Colombia is a country of contradictions”. This is a sentence often used by Colombians when talking about their place of birth. One can find snow and burning temperatures within less than two hours, it is a democracy but has never experienced peaceful co-existence, it produces more food than it can consume yet people die of hunger, and with regards to the political class, as the famous comedian Jaime Garzón,<sup>7</sup> noted; in Colombia it is the civil servants that are being served. In line with the contradictions found, it might not be surprising that the process of deepening the democracy led to a worsening of the democratic conditions.

In this thesis I have tried to answer whether and why the internal conflict in Colombia intensified in the 1990s. I asked why the conflict ‘intensified’ because the conflicts have been part of Colombian society since the state’s independence. This makes it difficult to establish when the old conflicts ended and the new ones began.

The consociational democracy was presented by Lijphart as the only viable solution for divided societies, and the case of Colombia seemed especially appealing to study due to its institutional history. The country has experienced the problems of the adversarial political system, of elite-dominated consociational system, and quite recently the return to the adversarial system.

The conflict did definitely intensify in the 1990s, and this has been thoroughly documented in the first part of the analysis. With regards to why the conflict escalated I found it natural to focus on the four dimensions of the consociational regime which are claimed to foster stability, and analysed specific institutional reforms related to these. The findings are divergent and have been difficult to interpret within the consociational framework, as the institutional reforms did not have any significant impact on the political system. Grand Coalitions were perceived as one of the main obstacles for political inclusion and the Constitution of 1991

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<sup>7</sup> Assassinated in 1997; allegedly by the AUC.

included several new innovations to prevent this practise. The data tells us that the practise has continued, and the adversarial political system was never really implemented. The problem that arises with this finding is that if the consociational dimension of Grand Coalitions remained the same as before the reform then the reforms can not have any explanatory value. Executive coalitions alone did not foster durable stability; rather the dimension gave the sectors excluded from the consociational arrangement only one way to assert influence on political decision; armed insurgency. On the other hand we have also observed that the only period in which the executive was not composed by a grand coalition coincided with an augmentation of the conflict. In favour of consociational theory one can claim that the consociational rupture was responsible for the intensification of the conflict, as the numerous power-sharing failures before the National Front. Nevertheless, it seems clear that the grand Coalitions from 1991 – 2006 have not been able to contain the conflict and restore stability.

The dimension of Grand Coalitions is intimately connected to the dimension of Proportionality, but not restricted to it. In order to secure representation and influence for all relevant groups in society the proportionality should found not only in the executive and legislative, but also the administrative institutions which are of paramount importance for the allocation and distribution of resources. Lijphart, thus, emphasises the importance of proportionality in institutions other than the political in order to secure the minority interests. The consociational regime in Colombia secured the interest of the minority through the principle of parity, in which all position in all political and administrative institutions were divided equally. Thus, in effect the political system initially was not proportional but skewed in favour of the Conservative minority. After the National Front was dissolved the system became more proportional, but the Conservatives were secured continued influence through the participation in the grand coalition. In addition the institutions included in the 1968 reforms gave guarantees with regards to influence in guiding appointments to the administrative institutions as well as institutions which guaranteed each individual representative a fixed amount of resources to distribute to his or her constituents. The dimension of proportionality, especially with regards to the allocation and

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distribution of resources had profound effects, and enabled the continued existence of clientelistic networks. Proportional representation in Colombia has been secured both through proportionality through political adherence, but also through proportionality in territorial representation. The different subgroups are concentrated territorially and the institutions introduced have guaranteed access both to resources and civil service appointments. To assert whether the dimension of proportionality has fostered stability is more problematic. The local political elites have been remarkable stable, indeed almost unchangeable for more than half a century. Their proportional representation in Congress has also been stable. However, the realities on the ground have been anything but stable. The problem of interpreting the results and to positively assert the existence of this dimension in Colombia derives from who is being proportionally represented. The population is being represented by their elites, but the question is if the elites really represent the different segments of the population. Consociational democracy is defined by elite cooperation, but in the case of Colombia it has become evident that the nature of the elites may be equally important in explaining the variation of the political violence.

The dimension of mutual veto is first and foremost the best guarantee the minorities can have, and is not only a prerequisite for entering a consociational arrangement, but also a guarantee against future changes which are perceived as threatening to these. It is a guarantee which preserves the status quo. In the analysis I presented data indicating that the dimension of mutual veto did undergo change with the constitutional reform. Until 1991 Congress had been in a permanent deadlock due to the strong institutional restrictions included, such as the need for a two-thirds majority. The removal of the right to veto did also coincide with the escalation of the violence seen when the new constitution was introduced. Apparently, the data does support the theory, but again the contradictions in Colombia make this positive assertion problematic. In introducing the new constitution, the right to veto was removed in a process that was unconstitutional. The composition of the NCA was not proportional to the groups included in the consociational arrangement, and elites representing the groups were not able to veto decisions contrary to the interests of their community, or themselves. When the opportunity presented itself after the

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constitution was installed the elites changed the unfavourable aspects, and as such made use of a delayed veto. The changes in the constitution meant a return to the pre-reform conditions. In this perspective the dimension of mutual veto have not had a positive effect on the stability as the violence escalated when the elites were actively using their veto before 1991, and the violence continued to escalate after 1991 when the delayed veto was used.

Segmental autonomy has been the dimension easiest to evaluate as it clearly did not exist before the reforms of 1991. The process of decentralisation meant the introduction of territorial segmental autonomy to a state which was highly centralised. Lijphart is not alone in asserting that certain levels of self-determination is the basis for peaceful co-existence, and both federal solutions as well as decentralisation has been introduced to many plural states marred by internal conflicts. If the theories are valid; Colombia is certainly the exception that proves the rule, and its experience highlights the problem of decentralising power in a weak and fragmented state. The decentralisation did not bring the power and resources closer to the people; rather it was intercepted or wrestled away with violent means. As the level of autonomy increased every year, the levels of violence followed suit. Segmental autonomy had the opposite effect of what was predicted; indeed the escalation in violence can best be understood a consequence of the opportunities presented. The decentralisation had the ironic effect of transferring money to all actors in the conflict, and the government had no tools at their disposal to intervene, and as the years went by the government transferred increasing amounts of resources to the illegal actors who controlled the municipalities.

The thesis has been guided by two interrelated hypothesis: 1) The consociational regime excluded the vast majority of Colombians from the political institutions. 2) The constitution of 1991 did not alter the balance of political power, rather the institutional changes led to an escalation in the conflict.

My first hypothesis is partially confirmed, and today most Colombian does not have contact with or access to political institutions. The political system has



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segmented the patron-client relationships, and access to the political institutions is reserved a few who have direct links to at least one of the different elites. For the electorate there has effectively been no other political alternative to choose from, and this exclusiveness can be found in the institutional makeup of the National Front, and it was continued until 1991. Clientelistic networks are however neither entirely unrepresentative nor closed to the citizens, and the bonds to the patron is often based on feelings as well as needs. It is a mutual relationship in which the elites are elected by the constituents to represent them, and the elites redistribute public resources back into the community. The different groups in society are geographically concentrated, and the territorial representation in Colombia has been quite good. But clientelistic networks also impeded political alternatives to become realistic, and are exclusive for those who chose not to enter into such relationships. Formed over generations, the networks are extremely strong and have ties to all political and administrative institutions. Alternative political actors enter an arena in which he is confronted with the elites, and where the resources have a clear destination no matter who is formally in charge.

The second hypothesis contains two elements of which one must be rejected. After the constitution was installed the balance of power was altered, but not to the intended effect. The shift in power was observed within the elites, and it was the constitution that enabled this development. The invention of the armed clientelism strengthened the drugs- and parts of the rural elites in comparison to the national elites and the professional politicians. They managed to assert control over new areas, increase their influence in the centres in almost all departments, and their confidants were elected to the highest positions in the political and appointed to the most important administrative institutions. The introduction of the segmental autonomy made this possible, and the paramilitaries were not the only ones benefiting from the new arrangement. The guerrillas also profited from this in the areas under their control, and they were strengthened before the paramilitaries in cooperation with the army managed to push them back to their historical areas.

In conclusion a few words of caution must be included with regards to the democratic nature of the state of Colombia. Lijphart himself expresses some reservations. I have argued that Colombia does include all aspects of the polyarchy presented by Dahl but reservations about the democratic quality should be made. Freedom House has classified Colombia as a democracy from 1974 – 1991, but only a partial democracy from 1991 until today. The implication for consociational theory is that the dimension of segmental autonomy was the principal factor for the deterioration of the democratic conditions.

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